

LOUISIANA

STATISTICAL INFORMATION

Current Governor: Kathleen Babineaux Blanco
Term of Office: Jan. 2004 - Jan. 2008

Legislative Term: Apr. - June

Total Inmate Pop.

(As of 3/31/05): 36,896 White: 27.6% Black: 72.2% Latino/a: 0% Other: .2%

Death Row Pop.

(As of 3/31/05): 88 White: 31 Black: 57 Latino/a: 0 Other: 0

EXECUTIONS:

Since 1976: 27 White: 14 Black: 13 Latino/a: 0 Other: 0
(As of 6/30/05)

Carried out in 2003: 0

Carried out in 2004: 0

Scheduled for 2005: 0

(As of 5/19/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004 *(does not include those executed by the state or those who died of natural causes) :*

Total Number: 86

Sentence/Conviction overturned (minus exonerations):

74

Sentence reduced: 6

Exonerations: 5

Other: 1

RELATED STATUTORY PROVISIONS:

Life without Parole:

yes

Prohibits the execution of juvenile offenders:

yes

Prohibits the execution of mentally retarded offenders:

yes

Prohibits the execution of mentally ill offenders:

no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: None.

Previous Years: *2003*: One bill died declaring a moratorium on the death penalty and creates a commission to study capital punishment in the state; the moratorium will end upon the submission of the commissions findings on 1/1/05 (SB119). Another bill died that creates the Louisiana Death Sentence Study Commission to study capital punishment in the state (SB124). *2001*: One bill introduced would have abolished the death penalty; One bill introduced would have placed a moratorium on executions; One bill introduced would have created a commission to study the State's death penalty system; *1998*: One bill defeated in committee would have abolished the death penalty.

Capital Offenses and Procedures: Current: None

Previous Years: *2004*: One bill the governor signed into effect adds to the crime of first degree murder the killing of a witness to a crime or a family member of a witness to a crime committed on a prior occasion (HB43). One bill that failed would have changed the criminal penalties for aggravated incest involving sexual intercourse to life imprisonment, or in cases where the victim is under the age of twelve (12) the death penalty (HB57).

Aggravating and Mitigating Circumstances: Current: None.

Previous Years: None.

DNA Testing and Preservation of Material Evidence: Current: None.

Previous Years: *2003*: One bill that was signed into effect by the Governor extends the time limit for requesting post-conviction relief through DNA testing and requires the court to appoint counsel for any petitioner requesting DNA testing (SB522). One bill that failed sine die would have authorized applications for post-conviction DNA testing of certain biological materials by persons in custody; required DNA testing of the material at the order of the court; provided for post-testing procedures (SB170).

Crime Labs and Medical Examiner Offices: Current: None.

Previous Years: None.

**Counsel
Qualifications,
Training, and
Competency:**

Current: None.

Previous Years: 1999: One bill introduced would have required the provision of counsel throughout post-conviction proceedings for indigent defendant sentenced to death; One bill passed and signed by the governor provides for post-conviction representation in capital cases.

**Counsel
Compensation:**

Current: None.

Previous Years: None.

Judges and Juries:

Current: None

Previous Years: None.

**Racial and Ethnic
Minorities:**

Current: None.

Previous Years: None.

Juvenile Offenders:

Current: None

Previous Years: 2004: One bill failed that would have abolished the death penalty for any individual who was under the age of eighteen (18) at the time of the commission of the crime (HB783, SB221).

**Mental Retardation,
Mental Disability
and Mental
Competency:**

Current: None

Previous Years: 2004: One bill died that would have provided procedures for determining competency of an inmate to be executed (HB1421, SB724). One bill signed into effect by the Governor provides that the defense may petition the court to determine mental incapacity to proceed with execution. Provides that the state may impose a treatment program for 90 days, after which the defendant's mental capacity may be reassessed (SB781, HB1422). 2003: Bills died that would prohibit the imposition of the death penalty on mentally retarded offenders (HB1017, HB1716, SB244, SB610). 2001: One bill introduced would have prohibited the death penalty for mentally retarded defendants.

Special Notes:

Current: None

Previous Years: 2004: One bill that failed sine die would have created the Wrongfully Incarcerated Compensation Board. Provided guidance on the creation, composition, and functioning of the Board (SB60). One bill presented to Secretary of State requests the DPS&C to examine the possibility of utilizing medications to facilitate confessions (HCR273). One bill that failed sine die required electronic recordings of interrogation in capital offense investigations. Provided conditions and procedures for use of such recordings (SB734).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT
HAVE PASSED MORATORIUM RESOLUTIONS**

Louisiana State Bar Association, January 22, 2000
Loyola Law Criminal Defense Organization

**Last Updated on June 27, 2005