



LOUISIANA STATE LAW INSTITUTE  
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January 28, 2016

Senator John A. Alario, Jr.  
President of the Senate  
P.O. Box 94183  
Baton Rouge, LA 70804

Representative Taylor F. Barras  
Speaker of the House of Representatives  
P.O. Box 94062  
Baton Rouge, Louisiana 70804-9062

**RE: SCR 100 of 2015**

Dear Mr. President and Mr. Speaker:

The Louisiana State Law Institute respectfully submits herewith its interim report to the legislature in response to 2015 Senate Concurrent Resolution No. 100, relative to reducing the delays in carrying out a capital punishment sentence.

Sincerely,

  
William E. Crawford  
Director

WEC/puc  
Enclosure

cc: Senator Yvonne Dorsey-Colomb  
Senator Robert Adley  
Senator John Alario  
Senator R.L. "Bret" Allain, II  
Senator "Jody" Amedee  
Senator Conrad Appel  
Senator Sharon Weston Broome

Senator Troy E. Brown  
Senator Sherri Smith Buffington  
Senator Norbert N. "Norby" Chabert  
Senator Dan Claitor  
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Senator A.G. Crowe  
Senator Jack L. Donahue  
Senator Dale M. Erdey  
Senator Rick Gallot  
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Senator David Heitmeier  
Senator Ronnie Johns  
Senator Robert W. "Bob" Kostelka  
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Senator Gerald Long  
Senator Daniel "Danny" Martiny  
Senator Fred H. Mills, Jr.  
Senator Jean-Paul Morrell  
Senator Dan "Blade" Morrish  
Senator Edwin R. Murray  
Senator Ben Nevers  
Senator Barrow Peacock  
Senator Jonathan "J.P." W. Perry  
Senator Karen Carter Peterson  
Senator Neil Riser  
Senator Gary L. Smith, Jr.  
Senator John R. Smith  
Senator Gregory W. Tarver, Sr.  
Senator Francis C. Thompson  
Senator Mike Walsworth  
Senator Rick Ward, III  
Senator Mack A. "Bodi" White

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**LOUISIANA STATE LAW INSTITUTE  
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE  
COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE  
IN RESPONSE TO SCR 100 OF THE 2015 REGULAR SESSION**

**Relative to reducing the delays in carrying out a capital punishment sentence**

Prepared for the  
Louisiana Legislature on

**January 28, 2016**

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE  
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE  
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To: Senator John A. Alario, Jr.  
President of the Senate  
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Baton Rouge, Louisiana 70804

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Speaker of the House of Representatives  
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**INTERIM REPORT TO THE LOUISIANA LEGISLATURE  
IN RESPONSE TO SCR NO. 100 OF THE 2015 REGULAR SESSION**

Senate Concurrent Resolution No. 100 of the 2015 Regular Session, attached, urges and requests the Louisiana State Law Institute “to study and make recommendations that would accelerate the state capital punishment appeal process.” In fulfillment of this request, the Law Institute assigned the project to its Criminal Code and Code of Criminal Procedure Committee, members of which formed a Postconviction Relief Study Group. This Study Group is also comprised of members of the Louisiana Supreme Court as well as other district and appellate court judges with expertise in this area.

The Study Group has met on numerous occasions over the past year to study the issue, conduct research, and identify issues and deficiencies under current law. The Study Group decided that to best alleviate the problems concerning delays in the state capital punishment appeal process, the capital postconviction relief regime should be separate from that of non-capital postconviction relief. Although the Study Group is nearing completion of its work in formulating revisions to the state capital punishment appeal process, it will be presenting its work to the full Criminal Code and Code of Criminal Procedure Committee in the coming weeks.

A final report will be submitted to the Legislature once the Study Group and the full Committee have received approval of the project from the Council of the Law Institute. The Council will be reviewing the Study Group and Committee’s work at its meeting on February 12-13, 2016.

Respectfully submitted,

Judge Guy Holdridge, Acting Reporter  
Criminal Code and Code of Criminal Procedure Committee  
Louisiana State Law Institute

SENATE CONCURRENT RESOLUTION NO. 100

BY SENATORS DORSEY-COLOMB, ADLEY, ALARIO, ALLAIN, AMEDEE, APPEL, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, CORTEZ, CROWE, DONAHUE, ERDEY, GALLOT, GUILLORY, HEITMEIER, JOHNS, KOSTELKA, LAFLEUR, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PEACOCK, PERRY, PETERSON, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations that would accelerate the state capital punishment appeal process.

WHEREAS, a study is needed to determine the feasibility of combining the direct and post-conviction appeals of a defendant who has been sentenced to capital punishment; and

WHEREAS, Louisiana has more than eighty inmates serving sentences for capital punishment; and

WHEREAS, many of those inmates have been awaiting decades for the conclusion of clemency review; and

WHEREAS, the legislature recognizes the importance of collecting and verifying objective statistical data on the cost of capital punishment in Louisiana; and

WHEREAS, questions are frequently raised regarding the costs of the administration of a system of capital punishment; and

WHEREAS, there is a need to discuss the timely processing of a capital punishment case in a systematic and effective manner through the conclusion of clemency review.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby request the Law Institute to study and make recommendations that would accelerate the state capital punishment appeal process.

**SCR NO. 100**

**ENROLLED**

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit a written report of its findings, together with any proposed legislation, to the Legislature of Louisiana no later than February 1, 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Director of the Louisiana State Law Institute.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES