

2018 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE MACK

LAW ENFORCE/OFFICERS: Provides relative to blood and saliva testing of persons who expose certain persons to serious infectious diseases

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 222(A), (E), and (G), relative to
3 blood and saliva testing; to provide relative to the required blood and saliva testing
4 of certain persons who expose a law enforcement officer to a serious infectious
5 disease; to require blood and saliva testing of certain persons who expose firefighters
6 and forensic laboratory employees to a serious infectious disease; to provide relative
7 to the definition of "law enforcement officer"; to provide relative to the definition of
8 "act"; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 222(A), (E), and (G) are hereby
11 amended and reenacted to read as follows:

12 Art. 222. Blood and saliva testing; expedited, nonincriminating procedure

13 A. Any person who commits any act which exposes a law enforcement
14 officer to a serious infectious disease by any means resulting in contact with the
15 officer during the course and scope of an arrest or through the investigation and
16 handling of evidence related to the arrest for any offense shall be required to submit
17 within seventy-two hours of the exposure to a test designed to determine whether he
18 is infected with a sexually transmitted disease, acquired immune deficiency
19 syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any
20 other probable causative agent of AIDS, viral hepatitis, or any other serious
21 infectious disease.

22 * * *

1 E. For purposes of this Article:

2 (1) "Act" means spitting, biting, or scratching; the throwing of blood or other
3 bodily substances by any means; and any other method of intentional or non-
4 intentional exposure to blood or other bodily substances.

5 ~~(1)~~(2) "Law enforcement officer" means a commissioned police officer,
6 sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable,
7 wildlife enforcement agent, probation and parole officer, or any officer of the court.
8 "Law enforcement officer" includes a civilian employee of the Louisiana State Police
9 Crime Laboratory or any other forensic laboratory while engaged in the performance
10 of the employee's lawful duties. "Law enforcement officer" also includes any
11 licensed emergency medical services practitioner as defined by R.S. 40:1131 and any
12 firefighter regularly employed by a fire department of any municipality, parish, or
13 fire protection district of the state or any volunteer firefighter of the state.

14 ~~(2) "Act" is spitting, biting, or scratching, or the throwing of blood or other~~
15 ~~bodily substances by any means.~~

16 * * *

17 G. If the person tested under the provisions of this Article tests positive for
18 a sexually transmitted disease, AIDS, HIV, HIV-1 antibodies, any other probable
19 causative agent of AIDS, viral hepatitis, or any other serious infectious disease, the
20 court shall inform that person of available counseling, ~~health care~~ healthcare, and
21 support services.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 112 Reengrossed 2018 Regular Session Mack

Abstract: Requires the testing of any person who exposes a licensed emergency medical services practitioner, firefighter, or an employee of a forensic laboratory to a serious infectious disease under certain circumstances.

Present law provides that any person who commits any act which exposes a law enforcement officer to a serious infectious disease by any means resulting in contact with the officer during the course and scope of an arrest for any offense shall be required to submit to a test

designed to determine whether he is infected with a sexually transmitted disease, acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any other probable causative agent of AIDS, viral hepatitis, or any other serious infectious disease.

Present law provides for the procedure by which a law enforcement officer notifies the court of his exposure to the serious infectious disease and the procedure by which the court may order the testing of the person. Further provides that the costs associated with the testing shall be paid by the offender, and provides that if the offender tests positive for a serious infectious disease, the court shall inform the offender of available counseling, healthcare, and support services.

Present law defines the following terms for purposes of present law:

- (1) "Law enforcement officer" means a commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, probation and parole officer, or any officer of the court.
- (2) "Act" means spitting, biting, or scratching, or the throwing of blood or other bodily substances by any means.

Proposed law amends the definitions of "act" and "law enforcement officer" for the purpose of expanding the application of present law to do both of the following:

- (1) Require the testing of any person who exposes a licensed emergency medical services practitioner as defined by present law or a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state to a serious infectious disease.
- (2) Require the testing of any person who exposes an employee of a forensic laboratory to a serious infectious disease through the employee's investigation and handling of evidence related to the person's arrest.

Proposed law otherwise retains present law.

(Amends C.Cr.P. Art. 222(A), (E), and (G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add to the definition of "law enforcement officer" a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state.

The House Floor Amendments to the engrossed bill:

1. Add to the definition of "law enforcement officer" a licensed emergency medical services practitioner as defined by present law (R.S. 40:1131).