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## DIGEST

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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).