The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST 2018 Regular Session

Gatti

<u>Present law</u> prohibits the cutting, resection, excision, harvesting, removal, sale, receipt, research, commerce, or transport of fetal organs, tissues, and body parts under circumstances defined by <u>present law</u>. <u>Present law</u> provides penalties for violations of <u>present law</u>.

Proposed law retains present law.

SB 73 Engrossed

<u>Proposed law</u> provides that the district attorney of the parish where a violation of <u>present law</u> occurs and the attorney general have concurrent authority to collect evidence, investigate, and institute criminal proceedings for any violation of <u>present law</u>.

<u>Proposed law</u> creates the Fetal Organ Whistleblower Fund in the state treasury. <u>Proposed law</u> further provides that this fund is to be composed of any monies derived from appropriations by the legislature and any gift, grant, devise, donation, or bequest of monies or properties of any nature or description.

<u>Proposed law</u> provides that an award of \$1,000 is to be paid out of the Fetal Organ Whistleblower Fund to any person who provides evidence that results in the arrest and indictment of any other person for a violation of <u>present law</u> relative to fetal organs, tissues, and body parts. <u>Proposed law</u> further provides that eligibility for an award pursuant to <u>proposed law</u> is to be determined by the district attorney or the attorney general, as appropriate.

<u>Proposed law</u> provides that all monies deposited in the Fetal Organ Whistleblower Fund are to be used solely to pay awards to persons as provided by <u>proposed law</u> and are to be paid by the state treasurer upon written order signed by the district attorney or the attorney general, as appropriate. However, <u>proposed law</u> provides that monies deposited in the Fetal Organ Whistleblower Fund may be used to pay reasonable costs of administering the fund.

<u>Proposed law</u> provides that the name and other identifying information of any person who is paid an award pursuant to <u>proposed law</u> must remain confidential.

<u>Present law</u> provides that whoever violates the provisions of <u>present law</u> relative to abortion is to be fined up to \$1,000 per incidence or occurrence, or imprisoned for up to two years, or both. <u>Present law</u> further provides that in addition, failure to comply with the <u>present law</u> relative to abortion can:

- (1) Provide a basis for a civil malpractice action brought by the woman upon whom the abortion was performed.
- (2) Provide a basis for professional disciplinary action under present law.

(3) Provide a basis for recovery for the woman for the death of her unborn child under <u>present</u> <u>law</u>, whether or not the unborn child was viable at the time the abortion was performed or was born alive.

Proposed law retains present law.

<u>Proposed law</u> provides that the attorney general has jurisdiction throughout the state, separate from each district attorney within his respective jurisdiction, to commence an action for a violation of any provision of <u>present law</u> relative to abortion or the use of public funds for an abortion should the district attorney decline a prosecution under <u>present law</u> and <u>proposed law</u>.

<u>Proposed law</u> provides that the attorney general, and each district attorney within his respective jurisdiction, may seek injunctive or other relief against any person or entity that is in violation of any provision of <u>present law</u> relative to abortion or misuses public funds for an abortion.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1061.29; adds R.S. 14:87.3(F) and (G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add provision relative to the jurisdiction of the attorney general.