

2019 Regular Session

HOUSE BILL NO. 126

BY REPRESENTATIVE MOSS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to a healthcare provider's required reporting of gunshot wounds and certain other life-threatening injuries to law enforcement

1 AN ACT

2 To amend and reenact R.S. 14:403.5(A), (B), and (E), relative to reporting of gunshot
3 wounds or other injuries; to provide relative to the mandatory reporting by healthcare
4 providers of gunshot wounds and certain injuries presented for treatment; to require
5 reporting to law enforcement of life-threatening injuries resulting from an act of
6 violence; to provide for the persons to which the requirement applies; to provide for
7 the documentation of the reporting in the emergency record; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:403.5(A), (B), and (E) hereby amended and reenacted to read as
11 follows:

12 §403.5. Gunshot wounds and other life-threatening injuries; mandatory reporting

13 A. The purpose of this Section is to aid law enforcement in combating
14 violent crime through the rapid identification and reporting of all gunshot wounds
15 or other life-threatening injuries resulting from an act of violence for which
16 treatment is requested or received from ~~treated by any~~ medical professionals,
17 practitioners, or associated personnel.

18 B. In every case ~~of~~ in which a person is treated or requests treatment for a
19 gunshot wound or other life-threatening injury that is reasonably believed to be
20 caused by an act of violence, ~~presented for treatment to a medical professional,~~

1 ~~practitioner, or associated person, that professional, practitioner, or associated person~~
 2 ~~shall make an oral notification to either the sheriff of the parish in which the~~
 3 ~~wounded person was presented for treatment, or the chief or superintendent of police~~
 4 ~~in the municipality in which the wounded person was presented for treatment~~
 5 ~~immediately after complying with all applicable state and federal laws, rules, and~~
 6 ~~regulations related to the treatment of emergencies and before the wounded person~~
 7 ~~is released from the hospital~~ a report of the wound or injury shall be made to the law
 8 enforcement agency having jurisdiction in the place where the person is being treated
 9 or has requested treatment for the wound or injury. The report required by the
 10 provisions of this Subsection shall be made by any physician, nurse, other healthcare
 11 provider, or any employee of the hospital, sanitarium, medical clinic, or other
 12 healthcare facility where the person is treated or has requested treatment. ~~▲~~ When
 13 a report is made to law enforcement as required by the provisions of this Subsection,
 14 a written notation of this action shall be made on included in the emergency record
 15 indicating that the report was made.

16 * * *

17 E. Any person who fails to ~~file a report under~~ as required by this Section, or
 18 who knowingly files a false report under this Section, shall be fined not more than
 19 five hundred dollars or imprisoned for not more than six months, or both. ~~Any~~
 20 ~~person who knowingly files a false report under this Section shall be fined not more~~
 21 ~~than five hundred dollars or imprisoned for not more than six months, or both.~~

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 126 Original

2019 Regular Session

Moss

Abstract: Provides relative to the mandatory reporting by healthcare providers of gunshot wounds and certain other life-threatening injuries presented for treatment at a healthcare facility.

Present law provides that in every case of a gunshot wound or injury presented for treatment to a medical professional, practitioner, or associated person, that professional, practitioner, or associated person shall make an oral notification to either the sheriff of the parish in

which the wounded person was presented for treatment, or the chief or superintendent of police in the municipality in which the wounded person was presented for treatment immediately after complying with all applicable state and federal laws, rules, and regulations related to the treatment of emergencies and before the wounded person is released from the hospital. Present law requires that written notation of this action shall be made on the emergency record.

Present law further provides that any person who fails to file a report, or knowingly files a false report, under present law shall be fined not more than \$500 or imprisoned for not more than six months, or both.

Proposed law does all of the following:

- (1) Expands present law to require the reporting of gunshot wounds and other life-threatening injuries that are reasonably believed to be caused by an act of violence.
- (2) Amends present law to provide that the required report shall be made by any physician, nurse, other healthcare provider, or any employee of the hospital, sanitarium, medical clinic, or other healthcare facility where the person is treated or has requested treatment.
- (3) Amends present law to provide that the report shall be made to the law enforcement agency having jurisdiction in the place where the person is being treated or has requested treatment.
- (4) Removes the present law requirement that the report be made after compliance with all applicable state and federal laws, rules, and regulations related to the treatment of emergencies.
- (5) Retains the present law penalties and the requirement that a written notation of the report be made in the emergency record.

(Amends R.S. 14:403.5(A), (B), and (E))