SLS 18RS-311 **ORIGINAL**

2018 Regular Session

SENATE BILL NO. 73

BY SENATOR GATTI

1

CRIMINAL PROCEDURE. Provides relative to the sale and transport of fetal organs. (gov sig)

AN ACT

2	To enact R.S. 14:87.3(F) and (G), relative to the sale and transport of fetal organs; to provide
3	relative to prosecutions of the unlawful sale and transport of fetal organs; to create
4	and provide relative to the Fetal Organ Whistleblower Fund; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 14:87.3(F) and (G) are hereby enacted to read as follows:
8	§87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt,
9	research, commerce, or transport of fetal organs, tissues, and body
10	parts; whistleblower fund
11	* * *
12	F. The district attorney of the parish where a violation of this Section
13	occurs and the attorney general shall have concurrent authority to collect
14	evidence, investigate, and institute criminal proceedings for any violation of this
15	Section.
16	G. The Fetal Organ Whistleblower Fund, hereinafter referred to as "the
17	fund", is hereby created in the state treasury.

1	(1) The fund shall be composed of any monies derived from
2	appropriations by the legislature and any gift, grant, devise, donation, or
3	bequest of monies or properties of any nature or description.
4	(2) An award of one thousand dollars shall be paid out of the fund to any
5	person who provides evidence that results in the arrest and indictment of any
6	other person for a violation of this Section. Eligibility for an award pursuant to
7	this Subsection shall be determined by the district attorney or the attorney
8	general, as appropriate.
9	(3) All monies deposited in the fund shall be used solely to pay awards
10	to persons as provided by Paragraph (2) of this Subsection and shall be paid by
11	the state treasurer upon written order signed by the district attorney or the
12	attorney general, as appropriate, except that monies deposited in the fund may
13	be used to pay reasonable costs of administering the fund.
14	(4) The name and other identifying information of any person who is
15	paid an award pursuant to this Subsection shall remain confidential.
16	Section 2. This Act shall become effective upon signature by the governor or, if not
17	signed by the governor, upon expiration of the time for bills to become law without signature
18	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19	vetoed by the governor and subsequently approved by the legislature, this Act shall become
20	effective on the day following such approval.
	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 SB 73 Original

Gatti

Present law 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.

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

<u>Proposed law</u> creates the Fetal Organ Whistleblower Fund in the state treasury. <u>Proposed law</u>

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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 proposed law must remain confidential.

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

(Adds R.S. 14:87.3(F) and (G))