

2018 Regular Session

HOUSE BILL NO. 221

BY REPRESENTATIVE MACK

LAW ENFORCE/OFFICERS: Provides relative to the requirements for submission of DNA samples by peace officers

1 AN ACT

2 To amend and reenact R.S. 40:2405.4(A) and (C), relative to peace officers; to provide  
3 relative to the submission of DNA samples; to provide relative to the storage of DNA  
4 samples; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2405.4(A) and (C) are hereby amended and reenacted to read as  
7 follows:

8 §2405.4. Additional requirements of peace officers

9 A. Notwithstanding any provision of law to the contrary, any person being  
10 hired as a peace officer with a law enforcement agency on or after August 15, 2003,  
11 shall provide the law enforcement agency with a sample of his DNA material and  
12 fingerprint prior to the commencement of the discharge of his duties. ~~The law~~  
13 ~~enforcement agency shall submit the DNA material to the appropriate criminal~~  
14 ~~laboratory for testing.~~ The law enforcement agency shall also conduct a criminal  
15 background check of any peace officer it employs after August 15, 2003.

16 \* \* \*

17 C. Any person hired as a peace officer with a law enforcement agency on or  
18 after August 15, 2003, shall have his DNA ~~tested by the taking of a biological~~  
19 ~~sample~~ collected and the biological sample stored. A person currently employed as

1 a peace officer may authorize that his DNA be tested by the taking of a biological  
2 sample.

3 \* \* \*

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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)]

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HB 221 Engrossed

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**Abstract:** Allows law enforcement agencies that hire peace officers on or after Aug. 15, 2003, to continue to collect DNA samples and fingerprints prior to peace officers beginning their duties, and provides that those hiring agencies shall store the collected samples instead of having them tested in crime laboratories.

Present law requires any peace officer hired after Aug. 15, 2003, to submit a sample of DNA and fingerprints prior to starting his employment duties. Requires the hiring agency to submit the DNA material to the appropriate criminal laboratory for testing.

Proposed law retains the requirement that peace officers hired on or after Aug. 15, 2003, submit a sample of DNA material and fingerprints prior to starting his duties, but removes the requirement that the law enforcement agency must submit the material to any criminal laboratory for testing. Instead, requires the hiring agency to store all collected biological samples and not test them.

(Amends R.S. 40:2405.4(A) and (C))