

2018 Regular Session

SENATE BILL NO. 73

BY SENATOR GATTI

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

1 AN ACT

2 To enact R.S. 14:87.3(F), relative to abortion; to create and provide relative to the Fetal
3 Organ Whistleblower Fund; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:87.3(F) is hereby enacted to read as follows:

6 §87.3. Prohibited cutting, resection, excision, harvesting, removal, sale, receipt,
7 research, commerce, or transport of fetal organs, tissues, and body
8 parts; **whistleblower fund**

9 * * *

10 **F. The Fetal Organ Whistleblower Fund, hereinafter referred to as "the**
11 **fund", is hereby created in the state treasury.**

12 **(1) The fund shall be composed of any monies derived from**
13 **appropriations by the legislature and any gift, grant, devise, donation, or**
14 **bequest of monies or properties of any nature or description.**

15 **(2) An award of one thousand dollars shall be paid out of the fund to any**
16 **person who provides evidence that results in the arrest and indictment of any**
17 **other person for a violation of this Section. Eligibility for an award pursuant to**

1 this Subsection shall be determined by the district attorney or the attorney
 2 general, as appropriate.

3 (3) All monies deposited in the fund shall be used solely to pay awards
 4 to persons as provided by Paragraph (2) of this Subsection and shall be paid by
 5 the state treasurer upon written order signed by the district attorney or the
 6 attorney general, as appropriate, except that monies deposited in the fund may
 7 be used to pay reasonable costs of administering the fund.

8 (4) The name and other identifying information of any person who is
 9 paid an award pursuant to this Subsection shall remain confidential.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Laura Gail Sullivan.

DIGEST

SB 73 Reengrossed

2018 Regular Session

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 present law. Present law provides penalties for violations of present law.

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.

Proposed law creates the Fetal Organ Whistleblower Fund in the state treasury. Proposed law 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.

Proposed law 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 present law relative to fetal organs, tissues, and body parts. Proposed law further provides that eligibility for an award pursuant to proposed law is to be determined by the district attorney or the attorney general, as appropriate.

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

Proposed law 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))

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.

Senate Floor Amendments to engrossed bill

1. Remove concurrent jurisdiction for the attorney general (AG) and the district attorney (DA) of the parish where a violation of present law occurs.
2. Remove authority of the DA and AG to seek injunctive and other relief against any person or entity that is in violation of any provision of present law relative to abortion or who misuses public funds for an abortion.