

DIGEST

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SB 138 Reengrossed

2019 Regular Session

Gatti

Present law requires the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs to be administered a chemical test of his blood, urine, or other bodily substance for the purposes of determining the presence of any abused or controlled dangerous substance. Present law further requires that the test or tests to be administered to the operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs be administered at the direction of a law enforcement officer having reasonable grounds to believe the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs.

Proposed law extends these present law requirements to the person driving or in actual physical control of a motor vehicle or watercraft involved in a collision, crash, or other casualty in which bodily injury rating "severe" or "incapacitating" or a "suspected serious injury" on the Uniform Motor Vehicle Traffic Crash Report or a serious bodily injury or a fatality occurs, in order to determine the presence of any abused substance.

Proposed law exempts an operator of any motor vehicle that does not receive a violation and is involved in a collision or the operator of any watercraft that does not receive a violation and is involved in a collision, crash, or other casualty in which a suspected serious injury occurs from postaccident drug testing.

Proposed law exempts the law enforcement officer and the law enforcement agency employing the law enforcement officer from civil or criminal liability as a result of any act or omission taken in response to proposed law.

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

(Amends R.S. 32:681(A) and (B); adds R.S. 32:681(E), (F), (G), and (H))

Summary of Amendments Adopted by Senate

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

1. Add that present law postaccident drug testing is required when a motor vehicle accident involves bodily injury rating "severe" on the Uniform Motor Vehicle Traffic Crash Report and delete that such testing is required when the accident involves serious bodily injury.
2. Deletes proposed law relative to the definition of "serious bodily injury".
3. Names proposed law "Katie Grantham's Law".

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Expands postaccident drug testing to accidents involving serious bodily injury.

2. Defines "serious bodily injury".
3. Changes name of proposed law to "Katie Bug's Law".

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the reengrossed bill:

1. Make technical changes.
2. Change "serious bodily injury" to "suspected serious injury".
3. Exempt an operator of any motor vehicle that does not receive a violation and is involved in a collision or the operator of any watercraft that does not receive a violation and is involved in a collision, crash, or other casualty in which a suspected serious injury occurs from being required to submit to a chemical test or tests of his blood, urine, or other bodily substance for the purpose of determining the presence of any abused substance or controlled dangerous substance as provided for in present law or any other impairing substance.
4. Define "suspected serious injury", as provided for in the 4th Edition of the Model Minimum Uniform Crash Criteria Guideline, as any injury other than fatal which results in any of the following: (a) severe laceration resulting in exposure of underlying tissues, muscle, or organs, or resulting in significant blood loss; (b) broken or distorted extremity; (c) crash injuries; (d) suspected skull, chest, or abdominal injury other than bruises or minor lacerations; (e) significant burns; (f) unconsciousness when taken from the crash scene; and (g) paralysis.
5. Exempt the law enforcement officer and the law enforcement agency employing the law enforcement officer from civil or criminal liability as a result of any act or omission taken in response to proposed law.
6. Require the Dept. of Public Safety and Corrections to adopt rules and regulations, including updating the Uniform Motor Vehicle Traffic Crash Report, to implement the provisions of proposed law.