

ACT No. 118

2018 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE MACK

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AN ACT

To amend and reenact Code of Criminal Procedure Article 222(A), (E), and (G), relative to blood and saliva testing; to provide relative to the required blood and saliva testing of certain persons who expose a law enforcement officer to a serious infectious disease; to require blood and saliva testing of certain persons who expose firefighters and forensic laboratory employees to a serious infectious disease; to provide relative to the definition of "law enforcement officer"; to provide relative to the definition of "act"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 222(A), (E), and (G) are hereby amended and reenacted to read as follows:

Art. 222. Blood and saliva testing; expedited, nonincriminating procedure

A. Any person who commits any act which exposes a law enforcement officer to a serious infectious disease by any means resulting in contact with the officer during the course and scope of an arrest or through the investigation and handling of evidence related to the arrest for any offense shall be required to submit within seventy-two hours of the exposure to a test designed to determine whether he is infected with a sexually transmitted disease, acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any other probable causative agent of AIDS, viral hepatitis, or any other serious infectious disease.

* * *

1 E. For purposes of this Article:

2 (1) "Act" means spitting, biting, or scratching; the throwing of blood or other
3 bodily substances by any means; and any other method of intentional or non-
4 intentional exposure to blood or other bodily substances.

5 ~~(1)~~(2) "Law enforcement officer" means a commissioned police officer,
6 sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable,
7 wildlife enforcement agent, probation and parole officer, or any officer of the court.
8 "Law enforcement officer" includes a civilian employee of the Louisiana State Police
9 Crime Laboratory or any other forensic laboratory while engaged in the performance
10 of the employee's lawful duties. "Law enforcement officer" also includes any
11 licensed emergency medical services practitioner as defined by R.S. 40:1131 and any
12 firefighter regularly employed by a fire department of any municipality, parish, or
13 fire protection district of the state or any volunteer firefighter of the state.

14 ~~(2) "Act" is spitting, biting, or scratching, or the throwing of blood or other~~
15 ~~bodily substances by any means.~~

16 * * *

17 G. If the person tested under the provisions of this Article tests positive for
18 a sexually transmitted disease, AIDS, HIV, HIV-1 antibodies, any other probable
19 causative agent of AIDS, viral hepatitis, or any other serious infectious disease, the
20 court shall inform that person of available counseling, ~~health care~~ healthcare, and
21 support services.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____