

2018 Regular Session

HOUSE BILL NO. 112

BY REPRESENTATIVE MACK

LAW ENFORCE/OFFICERS: Provides relative to blood and saliva testing of certain persons who expose law enforcement officers to serious infectious diseases

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 222(A), (E), and (G), relative to

3 blood and saliva testing; to provide relative to the required blood and saliva testing

4 of a certain persons who expose a law enforcement officer to a serious infectious

5 disease; to require blood and saliva testing of certain persons who expose forensic

6 laboratory employees to a serious infectious disease; to provide relative to the

7 definition of "law enforcement officer"; to provide relative to the definition of "act";

8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 222(A), (E), and (G) are hereby

11 amended and reenacted to read as follows:

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

13 A. Any person who commits any act which exposes a law enforcement

14 officer to a serious infectious disease by any means resulting in contact with the

15 officer during the course and scope of an arrest or through the investigation and

16 handling of evidence related to the arrest for any offense shall be required to submit

17 within seventy-two hours of the exposure to a test designed to determine whether he

18 is infected with a sexually transmitted disease, acquired immune deficiency

19 syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any



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.

Present law provides for the procedure by which a law enforcement officer notifies the court of his exposure to the serious infectious disease and the procedure by which the court may order the testing of the person. Further provides that the costs associated with the testing shall be paid by the offender, and provides that if the offender tests positive for a serious infectious disease, the court shall inform the offender of available counseling, healthcare, and support services.

Present law defines the following terms for purposes of present law:

- (1) "Law enforcement officer" means a commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, probation and parole officer, or any officer of the court.
- (2) "Act" means spitting, biting, or scratching, or the throwing of blood or other bodily substances by any means.

Proposed law amends the definitions of "act" and "law enforcement officer" for the purpose of expanding the application of present law to require the testing of any person who exposes an employee of a forensic laboratory to a serious infectious disease through the employee's investigation and handling of evidence related to the person's arrest.

Proposed law otherwise retains present law.

(Amends C.Cr.P. Art. 222(A), (E), and (G))