

2019 Regular Session

SENATE BILL NO. 138

BY SENATORS GATTI, BARROW, CARTER, COLOMB, HENSGENS, MILLS,  
PEACOCK, GARY SMITH AND WHITE AND REPRESENTATIVE  
WHITE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Requires postaccident drug testing when a traffic accident involves "serious bodily injury". (gov sig)

1 AN ACT

2 To amend and reenact R.S. 32:681(A) and (B) and to enact R.S. 32:681(E) and (F), relative  
3 to postaccident drug testing under certain circumstances involving serious bodily  
4 injury; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:681(A) and (B) are hereby amended and reenacted and R.S.  
7 32:681(E) and (F) are hereby enacted to read as follows:

8 §681. Postaccident drug testing; accidents involving serious bodily injury or  
9 fatalities, required

10 A. The operator of any motor vehicle which is involved in a collision or the  
11 operator of any watercraft involved in a collision, crash, or other casualty in which  
12 a bodily injury rated as "severe" or "incapacitating" or "suspected serious  
13 injury" on the Uniform Motor Vehicle Traffic Crash Report or serious bodily  
14 injury or a fatality occurs shall be deemed to have given consent to, and shall be  
15 administered, a chemical test or tests of his blood, urine, or other bodily substance  
16 for the purpose of determining the presence of any abused substance or controlled  
17 dangerous substance as set forth in R.S. 40:964 or any other impairing substance.

1                   B. The test or tests shall be administered at the direction of a law enforcement  
2 officer having reasonable grounds to believe the person to have been driving or in  
3 actual physical control of a motor vehicle upon the public highways of this state  
4 which is involved in a collision or to have been operating or in physical control of  
5 a watercraft on the waterways of this state involved in a collision, crash, or other  
6 casualty in which **bodily injury rated as "severe" or "incapacitating" or**  
7 **"suspected serious injury" on the Uniform Motor Vehicle Traffic Crash Report**  
8 **or serious bodily injury or** a fatality occurs **in order to determine the presence**  
9 **of any abused substance.** The law enforcement agency by which such officer is  
10 employed shall designate in writing under what conditions the tests shall be  
11 administered.

12   \*       \*       \*

13                   **E. For the purposes of this Section, "serious bodily injury" means a**  
14 **bodily injury which involves unconsciousness, a period of protracted**  
15 **unconsciousness, protracted and obvious disfigurement, or protracted loss or**  
16 **impairment of the function of a bodily member, organ, or mental faculty, or a**  
17 **substantial risk of death.**

18                   **F. This Section shall be known and may be cited as "Katie Bug's Law".**

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

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SB 138 Reengrossed

DIGEST  
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.

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) and (F))

#### 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".