

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 138

2019 Regular Session

Gatti

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

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

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds provisions for "suspected serious injury", as provided for in the 4th Edition of the Model Minimum Uniform Crash Criteria Guideline.
2. Adds specific circumstances when tests are to be conducted for any abused substance, controlled dangerous substance or other impairing substance.
3. 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.
4. Requires 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.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

## DIGEST

SB 138 Reengrossed

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Present law provides that an operator of any motor vehicle or watercraft involved in a collision, crash, or other casualty in which a fatality occurs is deemed to have consented to and shall be administered a chemical test of his blood, urine, or other bodily substance to determine the presence of any abused substance or controlled dangerous substance.

Proposed law requires that the collision or crash occur on the public highways, including waterways.

Proposed law specifically requires the tests be conducted under any of the following circumstances:

- (1) When fatality occurs.
- (2) If it is foreseeable that a citation for a traffic violation or an arrest is imminent and the investigating officer finds that a bodily injury occurred that is rated as "suspected serious injury" on the Uniform Motor Vehicle Traffic Crash Report.
- (3) The operator voluntarily agrees to submit to a chemical test.
- (4) A search warrant is issued, ordering the collection and testing of any bodily substance for purposes of proposed law.

Proposed law requires tests for substance abuse or a controlled dangerous substance be conducted also when a suspected serious injury occurs.

Proposed law defines a "suspected serious injury", as provided for in the Fourth Edition of the Model Minimum Uniform Crash Criteria Guideline, to be 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 a significant loss of blood.
- (b) Broken or distorted extremity.
- (c) Crush 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.
- (g) Paralysis.

Proposed law defines "serious bodily injury" to mean a bodily injury which involves unconsciousness, a period of protracted unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

Proposed law retains provisions of present law requiring the coroner or his designee to perform or cause to be performed a toxicology screen on the deceased victim or victims to determine the presence of any abused substance or controlled dangerous substance.

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.

Requires the Department 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.

Proposed law to be known and cited as "Katie Bug's Law".

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

(Amends R.S. 32:681)

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