

RÉSUMÉ DIGEST

ACT 408 (SB 138)

2019 Regular Session

Gatti

Prior law provided 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.

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

New 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 new law.

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

New 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:

- (1) Severe laceration resulting in exposure of underlying tissues, muscle, or organs, or resulting in a significant loss of blood.
- (2) Broken or distorted extremity.
- (3) Crush injuries.
- (4) Suspected skull, chest, or abdominal injury other than bruises or minor lacerations.
- (5) Significant burns.
- (6) Unconsciousness when taken from the crash scene.
- (7) Paralysis.

New 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.

New law retains provisions of prior 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.

New 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 new 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 new law.

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

Effective upon signature of the governor (June 20, 2019).

(Amends R.S. 32:681)