
DIGEST

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Smiley

HB No. 232

Abstract: Expands postaccident drug testing for operators involved in an accident resulting in a fatality to fatal watercraft accidents.

Present law requires postaccident drug testing of the operator of any motor vehicle which is involved in a collision that results in a fatality. Provides that such person shall be deemed to have given consent to a chemical test or tests of his blood, urine, or other bodily substance for the purpose of determining the presence of any abused substance or controlled dangerous substance or any other "impairing substance".

Proposed law retains present law and includes the operator of any watercraft involved in a collision, crash, or other casualty that results in a fatality.

Present law requires that the test or tests be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle which is involved in a fatal collision. Requires the law enforcement agency by which such officer is employed to designate in writing under what conditions which of the tests are to be administered.

Proposed law retains present law and includes instances where the person is operating or in actual physical control of a watercraft on the waterways of this state.

Present law requires, in the case of all traffic fatalities, the coroner to perform or cause to be performed a toxicology screen on the victim or victims of all traffic fatalities for determining evidence of the presence of any abused substance or controlled dangerous substance or any other "impairing substance", which includes the extracting of all bodily substance samples necessary for such toxicology screen. Requires that the coroner's report be made available to the investigating law enforcement agency and be admissible in court as evidence of the presence of such substances at the time of the fatality. Provides that such testing does not limit the authority of the investigating law enforcement agency from conducting an investigation of the accident scene concurrently with the coroner.

Proposed law retains present law and includes instances of boating fatalities.

(Amends R.S. 32:681(A), (B), and (C))