

## RÉSUMÉ DIGEST

ACT 118 (HB 112)

2018 Regular Session

Mack

Existing law provides that any person who commits any act which exposes a law enforcement officer to a serious infectious disease by any means resulting in contact with the officer during the course and scope of an arrest for any offense shall be required to submit to a test 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.

Existing 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.

Existing law defines the following terms for purposes of existing 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.

New law amends the definitions of "act" and "law enforcement officer" which expands the application of existing law to do all of the following:

- (1) Require the testing of any person who exposes a licensed emergency medical services practitioner as defined by existing law or a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state to a serious infectious disease.
- (2) 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.
- (3) Require the testing of such persons whether the act was an intentional or non-intentional exposure to blood or other bodily substances.

New law otherwise retains existing law.

Effective August 1, 2018.

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