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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Crews to Reengrossed Senate Bill No. 138 by Senator Gatti

1 AMENDMENT NO. 1

2 Delete House Committee Amendment Nos. 1 through 9 by the House Committee on
3 Transportation, Highways, and Public Works (#2928)

4 AMENDMENT NO. 2

5 On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 32:681 and
6 to enact R.S. 32:681(E), (F), and (G), relative"

7 AMENDMENT NO. 3

8 On page 1, line 6, after "R.S. 32:681" delete "(A) and (B) are" and insert "is"

9 AMENDMENT NO. 4

10 On page 1, line 7, after "32:681" delete "(E) and (F)" and insert "(E), (F), and (G)"

11 AMENDMENT NO. 5

12 In Amendment No. 10 by the House Committee on Transportation, Highways, and Public
13 Works (#2928), on page 1, delete lines 25 through 30 and on page 2, delete lines 1 and 2

14 AMENDMENT NO. 6

15 In Amendment No. 10 by the House Committee on Transportation, Highways, and Public
16 Works (#2928), on page 2, at the beginning of line 3 change "F." to "E."

17 AMENDMENT NO. 7

18 In Amendment No. 12 by the House Committee on Transportation, Highways, and Public
19 Works (#2928), on page 2, delete lines 20 through 22

20 AMENDMENT NO. 8

21 On page 1, line 8, after "involving" delete the remainder of the line

22 AMENDMENT NO. 9

23 On page 1, delete lines 10 through 17 in their entirety and on page 2, delete line 1 through
24 12 in their entirety and insert the following:

25 "A. The operator of any motor vehicle or watercraft which is involved in a
26 collision or crash ~~or the operator of any watercraft involved in a collision, crash, or~~
27 ~~other casualty in which a fatality occurs~~ on the public highways, including
28 waterways, shall be deemed to have given consent to, and shall be administered, a
29 chemical test or tests of his blood, urine, or other bodily ~~substance~~ substances for the

1 purpose of determining the presence of any abused substance or controlled
 2 dangerous substance as set forth in R.S. 40:964 or other applicable provision of law
 3 or any other impairing substance, under any of the following circumstances:

4 (1) A fatality occurs.

5 (2) It is foreseeable that a citation for a traffic violation or an arrest is
 6 imminent and the investigating officer finds that a bodily injury occurred that is rated
 7 as "suspected serious injury" on the Uniform Motor Vehicle Traffic Crash Report.

8 (3) The operator voluntarily agrees to submit to a chemical test.

9 (4) A search warrant is issued, ordering the collection and testing of any
 10 bodily substance for purposes of this Section.

11 B. The test or tests required pursuant to Subsection A of this Section shall
 12 be administered at the direction of a law enforcement officer having reasonable
 13 grounds to believe the person to have been ~~driving~~ operating or in actual physical
 14 control of a motor vehicle upon the public highways of this state which is involved
 15 in a collision or crash or to have been operating or in physical control of a watercraft
 16 on the waterways of this state involved in a collision, crash, or other casualty in
 17 which a suspected serious injury or a fatality occurs, in order to determine the
 18 presence of any abused substance or controlled dangerous substance as set forth in
 19 R.S. 40:964 or any other applicable provision of law, or any other impairing
 20 substance. The law enforcement agency by which such officer is employed shall
 21 designate in writing under what conditions the test or tests shall be administered.

22 C. In the case of all traffic or boating fatalities, the coroner, or his designee,
 23 shall perform or cause to be performed a toxicology screen on the deceased victim
 24 or victims ~~of all traffic fatalities~~ for determining evidence of the presence of any
 25 abused substance or controlled dangerous substance as set forth in R.S. 40:964 or
 26 other applicable provision of law, or any other impairing substance which shall
 27 include the extracting of all bodily substance samples necessary for such toxicology
 28 screen. The coroner, or his designee, shall be responsible for ensuring the body is
 29 not removed from his custody until such time as the bodily substance samples are
 30 extracted. The coroner's report shall be made available to the investigating law
 31 enforcement agency and may be admissible in any court of competent jurisdiction
 32 as evidence of the presence of any abused substance or controlled dangerous
 33 substance as set forth in R.S. 40:964 or other applicable provision of law, or any
 34 other impairing substance at the time of the fatality. Nothing herein shall be
 35 construed to limit the authority of the investigating law enforcement agency from
 36 conducting an investigation of the accident scene concurrently with the coroner or
 37 his designee.

38 D. Any chemical test or tests of a person's blood, urine, or other bodily
 39 substance for the purpose of determining the presence of any abused substance or
 40 controlled dangerous substance as set forth in R.S. 40:964 or other applicable
 41 provision of law, or any other impairing substance shall be administered in the same
 42 manner and subject to the provisions of Part XIV of this Chapter."

43 AMENDMENT NO. 10

44 On page 2, between lines 17 and 18, insert the following:

45 **"F. Neither the law enforcement officer nor the law enforcement agency**
 46 **employing the law enforcement officer shall be liable, civilly or criminally, for**
 47 **any action or omission taken in response to this Section."**