

Regular Session, 2014

SENATE BILL NO. 351

BY SENATORS THOMPSON AND DORSEY-COLOMB

CRIMINAL JUSTICE. Provides relative to burn injury reports. (8/1/14)

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AN ACT

To amend and reenact R.S. 14:403.4(B), (C)(1), and (D)(2), relative to offenses affecting law enforcement; to provide relative to reports of burn injuries to the office of state fire marshal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403.4(B), (C)(1), and (D)(2) are hereby amended and reenacted to read as follows:

§403.4. Burn injuries and wounds; reports; registry; immunity; penalties

* * *

B. In every case of a burn injury or wound in which the victim sustains second or third degree burns to five percent or more of the body or any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air, and every case of a burn injury or wound ~~which~~ that is likely to or may result in death shall be reported to the office of state fire marshal, code enforcement and building safety, hereinafter sometimes referred to as the "office". ~~That~~ The office ~~shall then immediately~~ may notify the appropriate local or state investigatory agency or law enforcement agency of the receipt of such report and its contents.

1 C.(1) ~~An oral~~ **A** report shall be made within ~~twenty-four~~ **two** hours of the
2 **initial** examination or treatment of the victim. The report shall be made by the
3 physician attending or treating the case, or by the manager, superintendent, director,
4 or other person in charge whenever such case is treated in a hospital, burn center,
5 sanitarium, or other medical facility. The report may be recorded electronically or
6 in any other suitable manner, by the office of state fire marshal, ~~code enforcement~~
7 ~~and building safety~~.

* * *

9 D. * * *

10 (2) The office of state fire marshal, ~~code enforcement and building safety~~,
11 may adopt rules and regulations as may be necessary in carrying out the provisions
12 of this Section. Specifically such rules shall provide for cooperation with local
13 investigatory and law enforcement agencies and may also authorize law enforcement
14 personnel and the state fire marshal to review those medical records of reported
15 victims ~~which~~ **that** relate to the burn without the consent of the victim.

* * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Thompson (SB 351)

Present law requires that every burn injury in which the victim sustains second or third degree burns to five percent or more of the body, or any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air, and every case of a burn injury that is likely to result in death must be reported to the office of state fire marshal, code enforcement and building safety.

Proposed law retains present law.

Present law requires that the office of state fire marshal, code enforcement and building safety, must immediately notify the appropriate local or state investigatory agency or law enforcement agency of the receipt of such report and its contents.

Proposed law changes the reporting requirement of present law from mandatory to discretionary. Proposed law otherwise retains present law.

Present law requires that an oral report be made within 24 hours of the examination and treatment of the burn victim. Present law further provides that the report may be recorded electronically or in any other suitable manner by the office of state fire marshal, code enforcement and building safety.

Proposed law deletes the present law requirement that the report be oral, and changes the reporting time from 24 hours to two hours. Proposed law further deletes specific reference to "code enforcement and building safety" from present law. Proposed law otherwise retains present law.

Present law provides that the office of state fire marshal, code enforcement and building safety, may adopt rules and regulations as may be necessary in carrying out the provisions of present law.

Proposed law deletes specific reference to "code enforcement and building safety" from present law. Proposed law otherwise retains present law.

Effective August 1, 2014.

(Amends R.S. 14:403.4(B), (C)(1), and (D)(2))