

SENATE BILL NO. 10

BY SENATOR N. GAUTREAUX

1 AN ACT

2 To amend and reenact R.S. 15:739(A) and (C), relative to prison inmates; to provide for
3 testing under certain incidents; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 15:739(A) and (C) are hereby amended and reenacted to read as
6 follows:

7 §739. Inmate blood and saliva testing

8 A.(1) Any incarcerated prisoner, whether before trial, during trial, pending
9 appeal, or after final conviction, who is housed in any jail, prison, correctional
10 facility, juvenile institution, temporary holding center, or detention facility within the
11 state and who is involved in an incident in which another person is exposed to an
12 infectious disease by the throwing of **bites another person; spits or throws** feces,
13 urine, blood, saliva, or any **other** form of human waste; or bodily fluid ~~on that other~~
14 **person directly on another person; or causes, through contact, bleeding or**
15 **exposure of flesh of another person in such a manner that the contact may cause**
16 **the other person to contract an infectious disease,** shall submit to a test designed
17 to determine whether the offender **incarcerated prisoner** is infected with a sexually
18 transmitted disease, or acquired immune deficiency syndrome (AIDS), the human
19 immunodeficiency virus (HIV), HIV-1 antibodies, or any other probable causative
20 agent of AIDS, viral hepatitis, or other infectious disease. Each incarcerated prisoner
21 who is involved in an incident shall be deemed to be an offender and shall be subject
22 to testing.

23 * * *

24 C. ~~A person who has been exposed to the feces, urine, blood, saliva, any~~

1 ~~form of human waste, or bodily fluid of an incarcerated prisoner housed in any jail,~~
2 ~~prison, correctional facility, juvenile institution, temporary holding center, or~~
3 ~~detention facility within the state shall~~ **Any person who is involved in or witnesses**
4 **an incident provided for in Subsection A of this Section may** notify by affidavit;
5 ~~subject to penalty for false swearing,~~ the chief administrator of the jail or
6 correctional facility that ~~the exposure~~ **an incident provided for in Subsection A of**
7 **this Section** has occurred and the administrator shall order the testing, as provided
8 in this Section, of each incarcerated prisoner who was involved in the incident ~~which~~
9 ~~resulted in the exposure.~~

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____