HLS 18RS-689 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 184

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BY REPRESENTATIVE LEGER

DWI: Provides relative to costs assessed for violations of driving while intoxicated

1 AN ACT

To amend and reenact Code of Criminal Procedure Article 887(C), relative to operating a vehicle while intoxicated; to provide relative to special costs assessed for convictions of operating a vehicle while intoxicated; to provide relative to special costs assessed

for persons placed on pretrial diversion; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 887(C) is hereby amended and reenacted to read as follows:

Art. 887. Defendant's liability for costs; suspension of costs; no advance costs

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C.(1) In addition to the costs provided in Paragraph A, a person convicted of a violation of R.S. 14:98, R.S. 14:98.1 or 98.1, or of any municipal or parochial ordinance defining the offense of operating a motor vehicle, aircraft, watercraft, vessel, or other motorized means of conveyance under the influence of alcohol or drugs, who was subjected submitted to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance listed in R.S. 40:964, Schedule I, II, III, IV, or V, shall be assessed an additional seventy-five one hundred fifty dollars as special costs. Such costs shall be paid in the following manner: twenty-five seventy-five dollars to the governing authority owning the instrument used to perform the analysis, and fifty seventy-five dollars to the governing authority whose agency

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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performed the analysis. If the office of state police performed or participated in a blood, breath, or urine analysis for which these costs are assessed, that portion of the costs applicable to the office of state police shall be forwarded to the applied technology unit within the office of state police and forwarded for disposition in accordance with R.S. 40:1379.7. In the event the person is unable to pay the fine when assessed, the court may allow payment within certain time limits, based on the person's ability to pay such costs.

(2) A person placed in a pretrial diversion program for a violation of R.S. 14:98 or 98.1, or any municipal or parochial ordinance defining the offense of operating a motor vehicle, aircraft, watercraft, vessel, or other motorized means of conveyance under the influence of alcohol or drugs, who submitted to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance listed in R.S. 40:964, Schedule I, II, III, IV, or V, shall be assessed special costs of one hundred fifty dollars which shall be distributed in the same manner as provided in Paragraph (1) of this Subsection.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 184 Original

2018 Regular Session

Leger

Abstract: Increases special costs assessed for DWI convictions and requires certain persons placed in a pretrial diversion program for DWI to also pay these special costs.

<u>Present law</u> provides that a person convicted of a DWI violation who was subjected to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance shall be assessed an additional \$75 as special costs to be paid as follows:

- (1) \$25 to the governing authority owning the instrument used to perform the analysis.
- (2) \$50 to the governing authority whose agency performed the analysis.

<u>Proposed law</u> increases the special costs <u>from</u> \$75 <u>to</u> \$150, with \$75 paid to the governing authority owning the instrument and \$75 paid to the governing authority who performed the analysis. Adds that persons who are placed in a pretrial diversion program for a DWI violation must also pay the \$150 costs.

(Amends C.Cr.P. Art. 887(C))

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