
DIGEST

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HB 318 Engrossed

2018 Regular Session

Connick

Abstract: Removes certain exceptions for New Orleans city, municipal, and traffic court DWI prosecutions relative to determining the existence of prior DWI convictions.

Present law provides that prosecutions in any city, parish, or municipal court, based on or arising out of DWI, may be charged and prosecuted under the state law DWI provisions or under any applicable city, parish, or municipal ordinance that incorporates the standards, elements, and sentences of state DWI law. Present law excepts the city, municipal and traffic courts of the city of New Orleans from this provision of present law.

Proposed law retains present law but removes the exception for New Orleans city, municipal, and traffic courts.

Present law provides that when determining whether a defendant has a prior conviction for DWI, a conviction of vehicular homicide, third degree feticide, vehicular negligent injuring, first degree vehicular negligent injuring, or a similar law of any state or an ordinance of a municipality, town, or similar political subdivision of another state, shall constitute a prior conviction.

Proposed law retains present law and includes prosecutions under proposed law, R.S. 13:1894.1.

(Amends R.S. 13:1894.1(A) and R.S. 14:98(C)(1)(e) and (3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove reference to present law exception for New Orleans from the present law Section heading to conform with proposed law.
2. Make technical correction to citation.