

SENATE BILL NO. 352

BY SENATOR HENRY

1 AN ACT

2 To enact R.S. 14:98.5.1, relative to driving offenses; to provide that the court may order a
3 clinical assessment for a person who has two or more convictions for operating a
4 vehicle while intoxicated; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:98.5.1 is hereby enacted to read as follows:

7 **§98.5.1. Assessment for alcohol or drug dependence; rehabilitative programs;**
8 **second and subsequent convictions**

9 **A. Notwithstanding any other provision of law to the contrary provided**
10 **by R.S. 14:98, 98.1, 98.2, 98.3, and 98.4, on a second or subsequent conviction**
11 **for a violation of R.S. 14:98, the court may order the offender, at the sole**
12 **expense of the offender, to undergo an assessment that uses a standardized**
13 **evidence-based instrument performed by a physician to determine whether the**
14 **offender has a diagnosis for alcohol or drug dependence and would likely**
15 **benefit from a court-approved medication-assisted treatment indicated and**
16 **approved for the treatment of alcohol or drug dependence by the United States**
17 **Food and Drug Administration, as specified in the most recent Diagnostic and**
18 **Statistical Manual of Mental Disorders published by the American Psychiatric**
19 **Association.**

20 **B. Upon considering the results of the assessment, the court may refer**
21 **the offender to a rehabilitative program that offers one or more forms of**
22 **court-approved medications that are approved for the treatment of alcohol or**
23 **drug dependence by the United States Food and Drug Administration.**

1 **C. This Section shall not apply when an offender shows that he is unable**
2 **to pay the costs of the assessment and rehabilitative program, either personally**
3 **or through a third party insurer.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____