

RÉSUMÉ DIGEST

ACT 41 (SB 352)

2020 Regular Session

Henry

Prior law provided relative to penalties for the crime of operating a vehicle while intoxicated. Prior law further provided relative to participation by an offender in court-approved substance abuse programs and assessments to determine whether the offender has a diagnosis of substance abuse disorder.

New law retains prior law and adds that, notwithstanding any other provision of prior law to the contrary, on a second or subsequent conviction for operating a vehicle while intoxicated, the court may order the offender, at his sole expense, to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the offender has a diagnosis for alcohol or drug dependence and would likely benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

New law further provides that, upon considering the results of the assessment, the court may refer the offender to a rehabilitative program that offers one or more forms of court-approved medications that are approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration.

New law provides that new law shall not apply when the offender shows he is unable to pay the costs of the assessment and rehabilitative programs, either personally or through a third party insurer.

Effective August 1, 2020.

(Adds R.S. 14:98.5.1)