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## DIGEST

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HB 575 Original

2023 Regular Session

Adams

**Abstract:** Establishes first and second offense penalties for operating a vehicle while intoxicated.

Present law specifies that if the offender had a blood alcohol concentration (BAC) of 0.15% or more but less than 0.20% by weight based on grams of alcohol per 100 cubic centimeters of blood, at least 48 hours of the sentence imposed pursuant to present law must be served without the benefit of parole, probation, or suspension of sentence, and is to be served in addition to any sentence of imprisonment imposed pursuant to present law, provided that the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months.

Proposed law adds any penalties imposed under present law, upon conviction of a first offense violation of R.S. 14:98, if the offender had a BAC of 0.15% or more by weight based on grams of alcohol per 100 cubic centimeters of blood, the driver's license of the offender to be suspended for two years.

Present law in addition to any penalties imposed under present law, upon conviction of a first offense, if the offender had a BAC of 0.20% or more by weight based on grams of alcohol per 100 cubic centimeters of blood, the driver's license of the offender will be suspended for two years.

Proposed law changes the BAC in present law from 0.20% to 0.15% BAC.

Present law specifies that if the offender had a BAC of 0.15% or more but less than 0.20% by weight based on grams of alcohol per 100 cubic centimeters of blood, at least ninety-six hours of the sentence imposed pursuant to present law must be served without the benefit of parole, probation, or suspension of sentence.

Proposed law requires any penalties imposed under proposed law, upon conviction of a second offense violation of R.S. 14:98, if the offender had a BAC of 0.15% or more by weight based on grams of alcohol per 100 cubic centimeters of blood, the driver's license of the offender must be suspended for four years.

Present law specifies that any penalties imposed under this Section, upon conviction of a second offense violation of R.S. 14:98, if the offender had a BAC of 0.20% or more by weight based on grams of alcohol per 100 cubic centimeters of blood, the driver's license of the offender to be suspended for four years.

Proposed law changes the BAC in present law from 0.20% to 0.15%.

Present law requires that any person who has had his driver's license suspended, revoked, or canceled under any of the following conditions upon proof to the Dept. of Public Safety and Corrections that his motor vehicle has been equipped with a functioning ignition interlock device as provided in present law, be issued a restricted driver's license.

Present law specifies that if the offender had a BAC of 0.20% or more by weight based on grams of alcohol per 100 cubic centimeters of blood the following restrictions shall apply:

(1) Upon first offense, if the offender had a BAC of 0.20% or greater, he will be issued a restricted driver's license during the entire period of the two-year driver's license suspension imposed under the provisions of present law and will be required to have a functioning ignition interlock device installed on his vehicle during the first twelve-month period of the suspension

(2) Upon second offense, if the offender has a BAC of 0.20% or greater, he will be eligible for a restricted driver's license for the period of suspension as imposed under the provisions of present law. Specifies that he offender may be issued a restricted license during the entire four years on his suspension and will be required to have a functioning ignition interlock device installed on his vehicle during the first three years of the four-year suspension.

Proposed law modifies the BAC in present law from 0.20% to 0.15% and replaces the present law provisions.

Present law specifies upon first or second conviction, or a plea of guilty or nolo contendere and sentence thereupon or forfeiture of bail of any person charged with the offense of driving while intoxicated when the offender had a BAC of 0.20% or more by weight based on grams of alcohol per 100 cubic centimeters of blood, the following restrictions on suspension and issuance of a restricted driver's license apply:

(1) Upon first conviction, if the offender had a BAC of 0.20% or greater, his driver's license will be suspended for two years and he must be issued a restricted driver's license for the entire period of the suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. Also requires a functioning ignition interlock device remain installed on his vehicle during the first 12 month period of the suspension of his driver's license.

(2) Upon second conviction, if the offender has a BAC of 0.20% or greater, his driver's license will be suspended for four years. Specifies that the offender must be eligible for a restricted license after a period of 45 days of suspension for the remainder of the 4 year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. Also requires a functioning ignition interlock device will remain installed on his vehicle during the first 3 year period of the 4 year period of the suspension of his driver's license.

Present law specifies that on or after Sept. 30, 2003, if the person submitted to the test and the test results show a blood alcohol level of 0.08% or above by weight, his driving privileges must be suspended for 90 days from the date of suspension on first offense violation, without eligibility for a hardship license for the first 30 days, and for 365 days from the date of suspension, without eligibility for a hardship license, on second and subsequent violations occurring within 5 years of the first offense. Specifies that if the person was under the age of 21 years on the date of the test and the test results show a BAC of .20% or above by weight, his driving privileges will be suspended for 180 days from the date of suspension.

Proposed law removes outdated language and increases 90 day suspension of driving privileges outdated languages to 180 days. Removes without eligibility for a hardship license from present law.

(Amends R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S. 32:378.2(B)(1)(a)(ii), (aa), (bb), 414(A)(1)(c), (i), and (ii), 667(B)(1)(b) and (c) and (3), Adds R.S. 14:98(b) and 98.2(b))