
DIGEST

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SB 401 Reengrossed

2024 Regular Session

Reese

Present law provides that vehicular negligent injuring is the inflicting of any injury on another when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance when, among other factors, the offender's blood alcohol concentration (BAC) is 0.08% or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

Present law provides that whoever commits the crime of vehicular negligent injuring shall be fined up to \$1,000, or imprisoned for up to six months, or both.

Proposed law provides that, if the offender had a BAC at the time of the commission of the offense of at least 0.15 but less than 0.20, he shall be fined not more than \$1,000 and imprisoned for not less than seven days nor more than six months. At least seven days shall be served without the benefit of probation or suspension of sentence.

Proposed law further provides that, if the offender had a BAC at the time of the commission of the offense of 0.20 or more, he shall be fined not more than \$1,000 and imprisoned for not less than 30 days nor more than six months. At least 30 days shall be served without the benefit of probation or suspension of sentence.

Proposed law otherwise retains present law.

Present law provides that first degree vehicular negligent injuring is the inflicting of serious bodily injury on another when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance when, among other factors, the offender's BAC is 0.08% or more.

Present law provides that whoever commits the crime of first degree vehicular negligent injuring shall be fined up to \$2,000, or imprisoned with or without hard labor for up to five years, or both.

Proposed law increases the maximum fine from \$2,000 to \$5,000 and the maximum prison term, with or without hard labor, from five years to 10 years.

Proposed law provides that if the offender had a BAC at the time of commission of the offense of at least 0.15, or if the offender has a prior conviction for operating a vehicle while intoxicated, then he shall be fined not more than \$5,000 and imprisoned with or without hard labor for not less than two years nor more than 10 years. Further provides that at least two years shall be served without benefit of probation, parole, or suspension of sentence.

Proposed law also provides that an offender placed on probation shall, as a condition of his probation, participate in a court-approved substance abuse treatment program. Proposed law further provides that the court may order an offender to successfully complete a court-approved driver improvement program as a condition of his probation.

Proposed law provides that first degree vehicular negligent injuring is designated as a crime of violence when the offender's BAC was at least 0.20 at the time of the offense.

Effective Aug. 1, 2024.

(Amends R.S. 14:39.1(C) and 39.2(D); adds R.S. 14:2(B)(62))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Technical amendments

Summary of Amendments Adopted by House

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

1. Specify that the term of imprisonment shall be with or without hard labor for any person who commits the offense of first degree vehicular negligent injuring with either a BAC of at least 0.15 or a prior conviction for operating a vehicle while intoxicated.