

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 776

2024 Regular Session

Bryant

DWI: Provides relative to operating a vehicle while intoxicated

Synopsis of Senate Amendments

1. Makes technical changes.
2. Changes references from "abused substance or controlled dangerous substance" to "drug, or combination of drugs" within certain provisions of Title 32 of the La. Revised Statutes of 1950.
3. Defines the term "drug" for purposes of proposed law within certain provisions of Title 32 of the La. Revised Statutes of 1950.

Digest of Bill as Finally Passed by Senate

Present law provides for the offenses of vehicular homicide (R.S. 14:32.1), third degree feticide (R.S. 14:32.8), vehicular negligent injuring (R.S. 14:39.1), first degree vehicular negligent injuring (R.S. 14:39.2), and operating a vehicle while intoxicated (R.S. 14:98) and certain other offenses involving the operation of a vehicle or watercraft under the influence of drugs or alcohol.

Proposed law retains present law in general but amends certain provisions of each present law as follows:

- (1) Changes terminology of "under the influence" to "impaired".
- (2) Defines the term "drug" to mean any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- (3) Removes the element that the operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.
- (4) Removes an affirmative defense to any charge under present law that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.
- (5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

Present law (R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.5, 98.6) provides for the offenses of operating a vehicle while intoxicated.

Proposed law changes the terminology used in present law from "under the influence" to "impaired".

Present law (R.S. 14:98.7) provides for the unlawful refusal to submit to chemical tests during arrests for driving while intoxicated.

Proposed law changes the terminology used in present law from "under the influence" to "impaired".

(Amends R.S. 14:32.1(A)(1) and (3)-(5), 32.8(A)(2)(a) and (c)-(e), 39.1(A)(1) and (3), 39.2(A)(1) and (3), 98(A)(1)(intro. para.), (a), and (c) and (2), (C)(1)(e) and (3), (E), and (F)(1) and (2), 98.1(Section heading), 98.2(Section heading), 98.3(Section heading), 98.4(Section heading), 98.5(B)(4), 98.6(A), and 98.7(A), and R.S. 32:661(A)(1) and (2), 661.1(A), 661.2(A), 664(A), 666(A)(1)(a)(i) and (2)(c) and (B), 667.1(C)(2) and (3), 668(A)(1), 681(A)(intro. para.) and (B), (C), and (D); Adds R.S. 14:98(A)(3) and R.S. 32:661(E) and 681(H); Repeals R.S. 14:32.1(A)(6) and (7), 32.8(A)(2)(f) and (g), 39.1(A)(4) and (5), 39.2(A)(4) and (5), and 98(A)(1)(d) and (e))