

SENATE BILL NO. 118

BY SENATOR BOUDREAUX AND REPRESENTATIVE CHASSION

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 14:98.1(A)(1) and (A)(1)(b) and  
3 the introductory paragraph of 98.2(A)(1) and (A)(1)(b) and to enact R.S. 14:98.1(D),  
4 relative to driving offenses; to provide relative to first and second offenses of  
5 operating a vehicle while impaired; to provide for probation conditions; to provide  
6 for substance use disorder screening; to provide for diagnosis and treatment; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 14:98.1(A)(1) and (A)(1)(b) and the  
10 introductory paragraph of 98.2(A)(1) and (A)(1)(b) are hereby amended and reenacted and  
11 R.S. 14:98.1(D) is hereby enacted to read as follows:

12 §98.1. Operating while impaired; first offense; penalties

13 A.(1) Except as modified by the provisions of Paragraphs (2) and (3) of this  
14 Subsection, on a conviction of a first offense violation of R.S. 14:98, the offender  
15 shall be fined not less than three hundred dollars nor more than one thousand dollars,  
16 and shall be imprisoned for not less than ten days nor more than six months.  
17 Imposition or execution of sentence under this Paragraph shall not be suspended  
18 unless the offender is placed on probation with the minimum conditions that he  
19 complete ~~all~~ of the following:

20 \* \* \*

21 (b) Participate in a court-approved substance abuse program, which ~~may~~  
22 **shall include a screening to determine if the offender is at risk for a substance**  
23 **use disorder.**

24 **(i) The screening tool shall be evidence-based and validated specifically**  
25 **for the impaired driving population.**

26 **(ii) The findings of the screening shall be confidential and shall be**  
27 **reported directly to the court, the prosecuting attorney, and counsel for the**

1 **defendant.**

2 **(iii) If the substance use disorder screening indicates that the offender**  
3 **is at risk of having a substance use disorder, the court may order** an assessment  
4 **be performed** by a licensed clinician to determine if the offender has a ~~diagnosis of~~  
5 substance ~~abuse~~ **use** disorder.

6 **(iv) Nothing herein in this Section** shall prohibit the court from modifying  
7 ~~the~~ portions of the **substance abuse** program as may be applicable and appropriate  
8 to an individual offender as shown by the assessment.

9 \* \* \*

10 **D. This Section and R.S. 14:98.2 shall be known and may be cited as the**  
11 **"Judge Jules Edwards, III Impaired Driving Prevention Act "**.

12 §98.2. Operating while impaired; second offense; penalties

13 A.(1) Except as modified by the provisions of Paragraphs (2), (3), and (4) of  
14 this Subsection, or as provided by Subsection D of this Section, on a conviction of  
15 a second offense violation of R.S. 14:98, regardless of whether the second offense  
16 occurred before or after the first conviction, the offender shall be fined not less than  
17 seven hundred fifty dollars nor more than one thousand dollars, and shall be  
18 imprisoned for not less than thirty days nor more than six months. At least forty-  
19 eight hours of the sentence imposed shall be served without benefit of parole,  
20 probation, or suspension of sentence. Imposition or execution of the remainder of  
21 sentence shall not be suspended unless the offender is placed on probation with the  
22 minimum conditions that he complete ~~all of~~ the following:

23 \* \* \*

24 (b) Participate in a court-approved substance abuse program, which ~~may~~  
25 **shall** include **a screening to determine if the offender is at risk for a substance**  
26 **use disorder.**

27 **(i) The screening tool shall be evidence-based and validated specifically**  
28 **for the impaired driving population.**

29 **(ii) The findings of the screening shall be confidential and shall be**  
30 **reported directly to the court, the prosecuting attorney, and counsel for the**

1 defendant.

2 (iii) If the substance use disorder screening indicates that the offender  
3 is at risk of having a substance use disorder, the court may order an assessment  
4 be performed by a licensed clinician to determine if the offender has a ~~diagnosis of~~  
5 substance ~~abuse~~ use disorder.

6 (iv) Nothing in this Section shall prohibit the court from modifying the  
7 portions of the substance abuse program as may be applicable and appropriate to  
8 an individual offender as shown by the assessment.

9 \* \* \*

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_