

Regular Session, 2014

SENATE BILL NO. 55

BY SENATOR KOSTELKA

CRIME/PUNISHMENT. Adds vehicular homicide to the list of crimes of violence.
(gov sig)

1 AN ACT

2 To enact R.S. 14:2(B)(45) and 32.1(C), relative to crimes of violence; to add vehicular
3 homicide to the list of crimes of violence; to provide relative to penalties for
4 vehicular homicide; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:2(B)(45) and 32.1(C) are hereby enacted to read as follows:

7 §2. Definitions

8 * * *

9 B. In this Code, "crime of violence" means an offense that has, as an element,
10 the use, attempted use, or threatened use of physical force against the person or
11 property of another, and that, by its very nature, involves a substantial risk that
12 physical force against the person or property of another may be used in the course
13 of committing the offense or an offense that involves the possession or use of a
14 dangerous weapon. The following enumerated offenses and attempts to commit any
15 of them are included as "crimes of violence":

16 * * *

17 (45) Vehicular homicide, when the operator's blood alcohol

1 **concentration exceeds 0.20 percent by weight based on grams of alcohol per one**
2 **hundred cubic centimeters of blood.**

3 * * *

4 §32.1. Vehicular homicide

5 * * *

6 **C. Whoever commits the crime of vehicular homicide shall be sentenced**
7 **as an offender convicted of a crime of violence if the offender's blood alcohol**
8 **concentration, at the time of the offense, exceeds 0.20 percent by weight based**
9 **on grams of alcohol per one hundred cubic centimeters of blood.**

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Kostelka (SB 55)

Present law defines "crime of violence" and lists certain present law crimes that fall under this definition.

Proposed law retains present law and adds vehicular homicide, when the operator's blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per 100 cubic centimeters of blood, to the list of crimes of violence.

Present law defines the crime of vehicular homicide and provides for penalties.

Proposed law retains present law and adds that whoever commits the crime of vehicular homicide is to be sentenced as an offender convicted of a crime of violence if the offender's blood alcohol concentration, at the time of the offense, exceeds 0.20 percent by weight based on grams of alcohol per 100 cubic centimeters of blood.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:2(B)(45) and 32.1(C))