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

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DIGEST

Martiny (SB 293)

Present law provides relative to the crime of operating a vehicle while intoxicated (DWI).

Present law provides that a prior conviction for purposes of present law does not include a conviction under the present law crime of DWI or related crimes if the crime was committed more than 10 years prior to the commission of the crime for which the defendant is being tried, and such conviction cannot be considered in the assessment of penalties. Present law further provides that periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state for any offense, or on probation or parole for certain present law offenses, are to be excluded in computing the 10-year period.

Proposed law retains present law but clarifies that periods of time awaiting trial, under an order of attachment, or incarcerated for any offense, not only DWI offenses, are to be excluded from the 10-year computation.

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

(Amends R.S. 14:98(F)(2))