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## DIGEST

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Gisclair

HB No. 150

**Abstract:** Amends careless operation of a motor vehicle to include specific penalties for the commission of such offense when the operator causes the death of human being by falling asleep.

Present law provides that any person operating a motor vehicle on the public roads of this state shall drive in a careful and prudent manner, so as not to endanger the life, limb, or property of any person. Failure to drive in such a manner shall constitute careless operation.

Present law (R.S. 32:57) provides for the following penalties for careless operation of a motor vehicle:

- (1) First violation - A fine of not more than \$175, imprisonment for not more than 30 days, or both.
- (2) A subsequent violation - A fine of not more than \$500, imprisonment for not more than 90 days, or both.

Proposed law retains present law and provides that when the careless operation of a motor vehicle proximately or directly causes the death of human being when the operator fails to maintain control of the motor vehicle by falling asleep, the operator shall be subject to the following additional penalties:

- (1) The operator shall be ordered to serve 250 hours of court-approved community service.
- (2) The operator's driver's license shall be suspended for a period of two years.

(Amends R.S. 32:58; Adds R.S. 32:414(W))

### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Deleted proposed law provision which creates the crime of involuntary vehicular homicide.

2. Added provision which amends the present law prohibition on careless operation of a motor vehicle to provide additional penalties for commission of such offense when the operator fails to maintain control of the motor vehicle by falling asleep and results in the death of a human being.