

Prior law provided for the crime of operating a vehicle while intoxicated (DWI) and provided that for purposes of determining if a defendant has a prior conviction for DWI, a conviction for vehicular homicide, vehicular negligent injuring, first degree vehicular negligent injuring, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state, which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance shall constitute a prior conviction. Required that this determination be made by the court as a matter of law. New law retains these provisions.

Prior law provided that a prior conviction shall not include a conviction for a DWI, vehicular homicide, vehicular negligent injuring, or first degree vehicular negligent injuring or under a comparable statute or ordinance of another jurisdiction, as described in prior law, if committed more than 10 years prior to the commission of the crime for which the defendant is being tried and the conviction shall not be considered in the assessment of penalties under prior law. New law retains these provisions.

Prior law required that periods of time during which the offender was awaiting trial, on probation or parole for a DWI offense described prior law, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state be excluded in computing the ten-year period.

New law retains prior law but clarifies that periods of time awaiting trial, under an order of attachment for failure to appear, or on probation or parole for a DWI offense or periods of time during which the offender was incarcerated in a penal institution in this or any other state for any offense, including DWI offenses, are to be excluded from the ten-year computation.

Effective upon signature of the governor (May 30, 2014).

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