
DIGEST

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HB 525 Engrossed

2018 Regular Session

Bagneris

Abstract: Provides for prohibitions on operating a vehicle for a person who is placed on probation for a first offense DWI or who enters into a plea agreement for a DWI.

Present law provides that any person convicted of a first offense of operating a vehicle while intoxicated (DWI) shall be fined not less than \$300 nor more than \$1,000, and shall be imprisoned for not less than ten days nor more than six months. Further provides that imposition or execution of this sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete certain requirements.

Present law authorizes the court to prohibit a person placed on probation for a conviction of first offense DWI from operating any motor vehicle during the period of probation, or such shorter time as set by the court, unless the vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device.

Proposed law requires the court to prohibit a person placed on probation for a conviction of a first offense DWI from operating any motor vehicle during the period of probation, or such short time set by the court, unless the vehicle is equipped with a functioning ignition interlock device.

Proposed law amends present law to require the person placed on probation for a conviction of a first offense DWI from operating any motor vehicle during the period of probation, or such shorter time as set by the court, unless the vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device.

Present law provides that on or after Sept. 30, 2003, if the person submitted to a test and shows results of a BAC of 0.08 percent or above, his driving privileges shall be suspended for 90 days from the date of suspension on a first offense violation, without eligibility for a hardship license for the first 30 days, and for 365 days from the date of suspension, without eligibility for a hardship license, on second and subsequent violations occurring within five years of the first offense.

Proposed law amends present law to increase the time period from five years to 10 years within which second and subsequent violations occur for the 365 days of suspension of driving privileges.

Present law provides that any licensee who had his license suspended for a first or second offense DWI shall be immediately eligible and shall be issued an ignition interlock restricted license.

Proposed law provides that any licensee who fails a chemical test with a BAC of 0.08 or 0.02 percent

or above if the licensee was under the age of 21 or a person who refuses a chemical test is required to have an ignition interlock device as a condition of their restricted driver's license.

Present law provides that no person who has refused a chemical test for intoxication is eligible for a restricted license for the first 90 days of suspension. When a person submits to a test and the results show a BAC of 0.08 percent or above or 0.02 percent or above if the person was under 21 years of age, he is not eligible for a restricted driver's license. Proposed law repeals present law.

(Amends R.S. 14:98.1(A)(1)(d) and 98.5(C)(2), R.S. 32:378.2(A), 667(B)(1)(b), and 668(B)(1)(c); Repeals R.S. 32:668(B)(1)(b))

Summary of Amendments Adopted by House

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

1. Restore present law relative to a first offense penalty for a DWI.
2. Require rather than authorize the court to order that the offender not operate a motor vehicle during the period of probation, or shorter time set by the court, unless the vehicle is equipped with a functioning ignition interlock device in compliance with present law.
3. Remove proposed law relative to any plea agreement reached by the parties for a DWI offense.
4. Add changes to present law which have the effect of eliminating the 30-day waiting period for persons who submit to a test and show a BAC of 0.08 or above and the 90-day waiting period for those persons who refuse the chemical test for intoxication.
5. Add that any licensee who fails a chemical test with a BAC of 0.08 or above or 0.02 or above if the licensee was under 21 years of age or a person who refuses a chemical test is required to have an ignition interlock device as a condition of their restricted driver's license.
6. Increase the time period from five years to 10 years within which second and subsequent violations occur for the 365 days of suspension of driving privileges.