

ACT No. 130

2018 Regular Session

HOUSE BILL NO. 318

BY REPRESENTATIVE CONNICK

1 AN ACT

2 To amend and reenact R.S. 13:1894.1(A) and R.S. 14:98(C)(1)(e) and (3), relative to the
3 crime of operating a vehicle while intoxicated; to provide relative to the
4 determination of the existence of prior convictions for operating a vehicle while
5 intoxicated; to remove exceptions for certain New Orleans courts; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1894.1(A) is hereby amended and reenacted to read as follows:
9 §1894.1. Driving while intoxicated, prosecutions for violation required to be filed

10 under general state law; city and municipal courts, ~~New Orleans excepted~~

11 A. Notwithstanding any other provision of law to the contrary, ~~including the~~
12 ~~provisions of R.S. 13:1871~~, prosecutions in any city, parish, or municipal court, ~~the~~
13 ~~city, municipal and traffic courts of the city of New Orleans excepted~~, based on or
14 arising out of the operation of a vehicle by a person while intoxicated may be
15 charged and prosecuted under the provisions of R.S. 14:98 or under any applicable
16 city, parish, or municipal ordinance that incorporates the standards, elements, and
17 sentences of the offense of driving while intoxicated contained in R.S. 14:98. Any
18 conviction for a first or second offense or the entry of a plea of guilty and sentence
19 based on such plea or the forfeiture of bail of any person having been charged with
20 a first or second violation of R.S. 14:98 in any such city, parish, or municipal court
21 shall be punishable in accordance with the provisions of R.S. 14:98(D)(1) or ~~(D)~~(2),
22 whichever is applicable. Any conviction for a first or second offense or the entry of

1 a plea of guilty and sentence based on such plea or the forfeiture of bail of any
 2 person having been charged with a first or second violation of the applicable city,
 3 parish, or municipal ordinance in any such city, parish, or municipal court shall be
 4 punishable in accordance with the provisions of the ordinance and shall constitute
 5 a conviction under R.S. 14:98 for purposes of determining the number of prior
 6 convictions in a proceeding under R.S. 14:98.

7 * * *

8 Section 2. R.S. 14:98(C)(1)(e) and (3) are hereby amended to read as follows:

9 §98. Operating a vehicle while intoxicated

10 * * *

11 C.(1) For purposes of determining whether a defendant has a prior
 12 conviction for a violation of this Section, a conviction under any of the following
 13 shall constitute a prior conviction:

14 * * *

15 (e) A law of any state or an ordinance of a municipality, town, or similar
 16 political subdivision of another state that prohibits the operation of any motor
 17 vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated,
 18 while impaired, or while under the influence of alcohol, drugs, or any controlled
 19 dangerous substance, or as otherwise provided by R.S. 13:1894.1.

20 * * *

21 (3) For purposes of this Section, a prior conviction shall not include a
 22 conviction for an offense under this Section, a conviction for an offense under R.S.
 23 14:39.1, or a conviction under the laws of any state or an ordinance of a
 24 municipality, town, or similar political subdivision of another state which prohibits
 25 the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of
 26 conveyance while intoxicated, while impaired, or while under the influence of
 27 alcohol, drugs, or any controlled dangerous substance, or as otherwise provided by
 28 R.S. 13:1894.1, if committed more than ten years prior to the commission of the
 29 crime for which the defendant is being tried, and such conviction shall not be
 30 considered in the assessment of penalties in this Section. However, periods of time

1 during which the offender was awaiting trial, under an order of attachment for failure
2 to appear, or on probation or parole for an offense described in this Paragraph, or
3 periods of time during which an offender was incarcerated in a penal institution in
4 this or any other state for any offense, including an offense described in Paragraph
5 (1) of this Subsection, shall be excluded in computing the ten-year period.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____