

2020 Regular Session

HOUSE BILL NO. 127

BY REPRESENTATIVE VILLIO

CRIME: Provides relative to certain offenses when the offender knowingly consumes quantities of a drug that exceed the prescribed or recommended dosage

1 AN ACT

2 To amend and reenact R.S. 14:32.1(A)(6), 32.8(A)(2)(f), 39.1(A)(5), 39.2(A)(5), and
3 98(A)(1)(e), relative to offenses involving the operation of any motor vehicle; to
4 provide relative to the offenses of vehicular homicide, vehicular negligent injuring,
5 first degree vehicular negligent injuring, driving while intoxicated, and third degree
6 feticide; to provide relative to the influence of drugs that are not controlled
7 dangerous substances and are legally obtainable with or without a prescription; to
8 remove the condition that the operator or offender knowingly consumes quantities
9 of the drug that exceed the dosage prescribed by the physician or recommended by
10 the manufacturer; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:32.1(A)(6), 32.8(A)(2)(f), 39.1(A)(5), 39.2(A)(5), and 98(A)(1)(e)
13 are hereby amended and reenacted to read as follows:

14 §32.1. Vehicular homicide

15 A. Vehicular homicide is the killing of a human being caused proximately
16 or caused directly by an offender engaged in the operation of, or in actual physical
17 control of, any motor vehicle, aircraft, watercraft, or other means of conveyance,
18 whether or not the offender had the intent to cause death or great bodily harm,

1 whenever any of the following conditions exists and such condition was a
2 contributing factor to the killing:

3 * * *

4 (6) The operator is under the influence of one or more drugs which are not
5 controlled dangerous substances and which are legally obtainable with or without a
6 prescription ~~and the influence is caused by the operator knowingly consuming~~
7 ~~quantities of the drug or drugs which substantially exceed the dosage prescribed by~~
8 ~~the physician or the dosage recommended by the manufacturer of the drug.~~

9 * * *

10 §32.8. Third degree feticide

11 A. Third degree feticide is:

12 * * *

13 (2) The killing of an unborn child caused proximately or caused directly by
14 an offender engaged in the operation of, or in actual physical control of, any motor
15 vehicle, aircraft, vessel, or other means of conveyance whether or not the offender
16 had the intent to cause death or great bodily harm whenever any of the following
17 conditions exist and such condition was a contributing factor to the killing:

18 * * *

19 (f) The offender is under the influence of one or more drugs which are not
20 controlled dangerous substances and which are legally obtainable with or without a
21 prescription ~~and the influence is caused by the offender's knowingly consuming~~
22 ~~quantities of the drug or drugs which substantially exceed the dosage prescribed by~~
23 ~~the physician or the dosage recommended by the manufacturer of the drug.~~

24 * * *

25 §39.1. Vehicular negligent injuring

26 A. Vehicular negligent injuring is the inflicting of any injury upon the person
27 of a human being when caused proximately or caused directly by an offender
28 engaged in the operation of, or in actual physical control of, any motor vehicle,

1 aircraft, watercraft, or other means of conveyance whenever any of the following
2 conditions exists:

3 * * *

4 (5) The operator is under the influence of one or more drugs which are not
5 controlled dangerous substances and which are legally obtainable with or without a
6 prescription ~~and the influence is caused by the operator knowingly consuming~~
7 ~~quantities of the drug or drugs which substantially exceed the dosage prescribed by~~
8 ~~the physician or the dosage recommended by the manufacturer of the drug.~~

9 * * *

10 §39.2. First degree vehicular negligent injuring

11 A. First degree vehicular negligent injuring is the inflicting of serious bodily
12 injury upon the person of a human being when caused proximately or caused directly
13 by an offender engaged in the operation of, or in actual physical control of, any
14 motor vehicle, aircraft, watercraft, or other means of conveyance whenever any of
15 the following conditions exists:

16 * * *

17 (5) The operator is under the influence of one or more drugs which are not
18 controlled dangerous substances and which are legally obtainable with or without a
19 prescription ~~and the influence is caused by the operator knowingly consuming~~
20 ~~quantities of the drug or drugs which substantially exceed the dosage prescribed by~~
21 ~~the physician or the dosage recommended by the manufacturer of the drug.~~

22 * * *

23 §98. Operating a vehicle while intoxicated

24 A.(1) The crime of operating a vehicle while intoxicated is the operating of
25 any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when
26 any of the following conditions exist:

27 * * *

1 (e)(i) The operator is under the influence of one or more drugs that are not
 2 controlled dangerous substances and that are legally obtainable with or without a
 3 prescription.

4 (ii) ~~It shall be an affirmative defense to any charge under this Subparagraph~~
 5 ~~that the operator did not knowingly consume quantities of the drug or drugs that~~
 6 ~~substantially exceed the dosage prescribed by the physician or the dosage~~
 7 ~~recommended by the manufacturer of the drug.~~

8 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 127 Original

2020 Regular Session

Villio

Abstract: Amends the crimes of vehicular homicide, vehicular negligent injuring, first degree vehicular negligent injuring, driving while intoxicated, and third degree feticide to remove the condition that the operator or offender knowingly consumes quantities of the drug that exceed the dosage prescribed or recommended.

Present law provides for the crimes of vehicular homicide, third degree feticide, vehicular negligent injuring, first degree vehicular negligent injuring, and operating a vehicle while intoxicated.

Present law provides that for those present law crimes to apply, certain conditions must exist or contribute to the factor of the killing of the human being.

Proposed law removes the condition that the operator or offender knowingly consumes quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug from the conditions of the present law crimes.

(Amends R.S. 14:32.1(A)(6), 32.8(A)(2)(f), 39.1(A)(5), 39.2(A)(5), and 98(A)(1)(e))