The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

DIGEST

SB 352 Reengrossed | 2020 Regular Session | Henry

Present law provides relative to penalties for the crime of operating a vehicle while intoxicated. Present law further provides relative to participation by an offender in court-approved substance abuse programs and assessments to determine whether the offender has a diagnosis of substance abuse disorder.

Proposed law retains present law and adds that, notwithstanding any other provision of present law to the contrary, on a second or subsequent conviction for operating a vehicle while intoxicated, the court may order the offender, at his sole expense, to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the offender has a diagnosis for alcohol or drug dependence and would likely benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration, as specified in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

Proposed law further provides that, upon considering the results of the assessment, the court may refer the offender to a rehabilitative program that offers one or more forms of court-approved medications that are approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration.

Proposed law provides that proposed law shall not apply when the offender shows he is unable to pay the costs of the assessment and rehabilitative programs, either personally or through a third party insurer.

Effective August 1, 2020.

(Adds R.S. 14:98.5.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Require the offender to pay the expenses of court ordered assessment and rehabilitative program, unless he shows he unable to pay the costs.