

RÉSUMÉ DIGEST

ACT 409 (HB 484)

2023 Regular Session

Edmonds

Existing law (R.S. 14:98.1) relative to a first offense of operating a vehicle while intoxicated, provides that if the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least 48 hours of the sentence imposed shall be served without the benefit of parole, probation, or suspension of sentence, and the sentence is to be served in addition to any sentence of imprisonment imposed pursuant to existing law, provided that the total period of imprisonment upon conviction of the offense, including default in payment of a fine or costs, shall not exceed six months.

New law provides that in addition to any other penalty imposed under existing law, upon conviction of a first offense, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

Prior law provided that upon conviction of a first offense and if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for two years.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Existing law (R.S. 14:98.2) relative to a second offense of operating a vehicle while intoxicated, provides that if the offender had a blood alcohol concentration of 0.15 percent or more but less than 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, at least 96 hours of the sentence imposed pursuant to existing law shall be served without the benefit of parole, probation, or suspension of sentence.

New law provides that in addition to any penalties imposed pursuant to existing law, if the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

Prior law provided that upon conviction of a second offense and if the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood, the driver's license of the offender shall be suspended for four years.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Existing law (R.S. 32:378.2) grants eligibility for a restricted driver's license to certain persons who had their license suspended for a DWI violation upon proof that their vehicle is equipped with a functioning ignition interlock device.

Prior law provided that if the offender had a blood alcohol concentration of 0.20 percent or greater, he shall be issued a restricted driver's license under certain conditions.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

Prior law (R.S. 32:414) provided relative to restrictions on the suspension or issuance of a restricted license for first or second convictions of a DWI when the offender had a blood alcohol concentration of 0.20 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

New law changes the blood alcohol concentration from 0.20 percent to 0.15 percent.

New law further provides that upon a second conviction, the offender shall be eligible for a restricted license for the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device.

New law provides that when any person's driver's license is suspended in connection to a first offense violation of existing law (R.S. 14:98), the office of motor vehicles is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

Existing law (R.S. 32:667) provides that if the person submitted to a breath alcohol concentration test and the test results show a blood alcohol level of 0.08 percent or above by weight, 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.

New law removes the enacting date from existing law and removes the restriction for eligibility of a hardship license.

New law further changes the blood alcohol concentration from 0.20 percent to 0.15 percent relative to hardship license requirements.

New law provides that when any person's driver's license is suspended in connection to a first offense violation of existing law (R.S. 14:98), the office of motor vehicles is required to suspend the person's driver's license consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes. The administrative suspension for any chemical test suspension shall be updated to be consistent with the blood alcohol concentration reflected in the final case disposition and sentencing minutes.

Effective August 1, 2023.

(Amends R.S. 14:98.1(A)(2) and (3)(b) and 98.2(A)(2) and (3)(b) and R.S. 32:378.2(B)(1)(a)(ii), 414(A)(1)(c), and 667(B)(1)(b) and (c) and (3) and (H)(1); Adds R.S. 32:414(A)(1)(d))