
DIGEST

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HB 776 Engrossed

2024 Regular Session

Bryant

Abstract: Provides relative to the terminology and elements of particular offenses involving operation of a vehicle when the offender is intoxicated.

Present law provides for the offenses of vehicular homicide (R.S. 14:32.1), third degree feticide (R.S. 14:32.8), vehicular negligent injuring (R.S. 14:39.1), first degree vehicular negligent injuring (R.S. 14:39.2), and operating a vehicle while intoxicated (R.S. 14:98).

Proposed law retains present law in general but amends certain provisions of each present law as follows:

- (1) Changes terminology of "under the influence" to "impaired".
- (2) Defines the term "drug" to mean any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- (3) Removes the element that the operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.
- (4) Removes an affirmative defense to any charge under present law that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.
- (5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming 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.

Present law (R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.5, 98.6) provides for the offenses of operating a vehicle while intoxicated.

Proposed law changes the terminology used in present law from "under the influence" to "impaired".

Present law (R.S. 14:98.7) provides for the unlawful refusal to submit to chemical tests during arrests for driving while intoxicated.

Proposed law changes the terminology used in present law from "under the influence" to "impaired".

(Amends R.S. 14:32.1(A)(1) and (3)-(5), 32.8(A)(2)(a) and (c)-(e), 39.1(A)(1) and (3), 39.2(A)(1) and (3), 98(A)(1)(intro. para.), (a), and (c) and (2), (C)(1)(e) and (3), (E), and (F)(1) and (2), 98.1(Section heading), 98.2(Section heading), 98.3(Section heading), 98.4(Section heading), 98.5(B)(4), 98.6(A), and 98.7(A); Adds R.S. 14:98(A)(3); Repeals R.S. 14:32.1(A)(6) and (7), 32.8(A)(2)(f) and (g), 39.1(A)(4) and (5), 39.2(A)(4) and (5), and 98(A)(1)(d) and (e))

Summary of Amendments Adopted by House

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

1. Relative to the unlawful refusal to submit to chemical tests, change the present law reference from the first offense of operating a vehicle while intoxicated (R.S. 14:98.1) to underage operating a vehicle while intoxicated (R.S. 14:98.6).