

2026 Regular Session

SENATE BILL NO. 422

BY SENATOR MILLER

CRIME/PUNISHMENT. Provides for unsupervised probation in certain circumstances for fourth offense operating while impaired. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 14:98.4(D) and to enact R.S. 14:98.4(E), relative to driving
3 offenses; to provide relative to penalties for fourth offense operating while impaired;
4 to provide for unsupervised probation in certain circumstances; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:98.4(D) is hereby amended and reenacted and R.S. 14:98.4(E) is
8 hereby enacted to read as follows:

9 §98.4. Operating while impaired; fourth offense; penalties

10 * * *

11 D. Except as provided in Paragraph (A)(2) of this Section, in addition to
12 any sentence of imprisonment, home incarceration, treatment program or drug
13 division probation program as provided for by R.S. 13:5301 et seq., supervised
14 probation, or parole, the court shall order that, beginning on the date of the
15 offender's release from incarceration or the offender's completion of home
16 incarceration, a treatment program or drug division probation program,
17 supervised probation, or parole, the offender be placed on unsupervised

1 **probation, with the unsupervised probation ending either upon the full term**
2 **date of the original sentence or twenty years from the date of sentencing,**
3 **whichever period is longer.**

4 E. In addition to any other penalty, the court shall order, upon motion of the
5 prosecuting district attorney, that the vehicle being operated by the offender at the
6 time of the offense be seized and impounded, and sold at auction in accordance with
7 the provisions of R.S. 14:98(F).

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 422 Engrossed

2026 Regular Session

Miller

Present law provides that on a fourth or subsequent offense of operating while impaired, an offender will be fined \$5,000 and imprisoned, with or without hard labor, for not less than 10 years nor more than 30 years, with two years of imprisonment being served without the benefit of parole, probation, or suspension of sentence, unless certain circumstances apply.

Proposed law retains present law and provides that unless the court suspends all or part of the remainder of the offender's sentence of imprisonment, after the offender completes his incarceration period, home incarceration period, active treatment or drug division probation program, active probation, or parole, the court will place the offender on unsupervised probation until either the completion date of his original sentence or 20 years from the date of sentencing, whichever is longer.

Effective August 1, 2026.

(Amends R.S. 14:98(D); adds R.S. 14:98(E))