

2026 Regular Session

HOUSE BILL NO. 82

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact R.S. 14:98.2(D)(introductory paragraph), 98.3(A)(1) and (C), and
3 98.4(A)(1), (C), and (D) and to enact R.S. 14:98.3(D) and 98.4(E), relative to driving
4 while intoxicated; to provide enhanced penalties for offenders with previous driving-
5 related offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:98.2(D)(introductory paragraph), 98.3(A)(1) and (C), and
8 98.4(A)(1), (C), and (D) are hereby amended and reenacted and R.S. 14:98.3(D) and 98.4(E)
9 are hereby enacted to read as follows:

10 §98.2. Operating while impaired; second offense; penalties

11 * * *

12 D. Notwithstanding any other provision of law to the contrary, on a
13 conviction of a second offense violation of R.S. 14:98, and regardless of whether the
14 second offense occurred before or after the first conviction, when the first offense
15 was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree
16 feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in
17 violation of R.S. 14:39.2, or an equivalent law or laws of any state, the offender shall
18 be fined two thousand dollars and imprisoned, with or without hard labor, for not less
19 than ~~one year~~ two years nor more than five years. At least ~~six months~~ one year of
20 the sentence of imprisonment imposed shall be without benefit of parole, probation,
21 or suspension of ~~sentence except~~ sentence. Except in compliance with R.S.

1 abuse treatment if it determines that the offender is able to pay for the substance
 2 abuse treatment.

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

7 §98.4. Operating while impaired; fourth offense; penalties

8 A.(1) Except as modified by Subparagraphs (a) and (b) of this Paragraph, or
 9 as provided by Subsections ~~B and C~~ B, C, and D of this Section, on a conviction of
 10 a fourth or subsequent offense violation of R.S. 14:98, regardless of whether the
 11 fourth offense occurred before or after an earlier conviction, the offender shall be
 12 fined five thousand dollars and imprisoned, with or without hard labor, for not less
 13 than ten years nor more than thirty years. Two years of the sentence of
 14 imprisonment shall be imposed without benefit of parole, probation, or suspension
 15 of sentence. Except in compliance with R.S. 14:98.5(B)(1), the mandatory minimum
 16 sentence cannot be served on home incarceration.

17 * * *

18 C. If the offender has previously been convicted for the crime of vehicular
 19 homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S.
 20 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, or
 21 an equivalent law or laws of any state, then on a conviction of a fourth or subsequent
 22 offense violation of R.S. 14:98, notwithstanding any other provision of law to the
 23 contrary and regardless of whether the offense occurred before or after an earlier
 24 conviction, the offender shall be fined five thousand dollars and imprisoned, with or
 25 without hard labor, for not less than twelve years nor more than thirty years. No part
 26 of the sentence shall be imposed with benefit of parole, probation, or suspension of
 27 sentence, and no portion of the sentence shall be imposed concurrently with the
 28 remaining balance of any sentence to be served for a prior conviction for any
 29 offense.

1 ~~€~~ D. If the offender has previously received the benefit of parole, probation,
 2 or suspension of sentence on a conviction of a fourth or subsequent offense violation
 3 of R.S. 14:98, then on a subsequent conviction of a fourth or subsequent offense,
 4 notwithstanding any other provision of law to the contrary and regardless of whether
 5 the offense occurred before or after an earlier conviction, the offender shall be fined
 6 five thousand dollars and imprisoned at hard labor for not less than ten nor more than
 7 thirty years. No part of the sentence shall be imposed with benefit of parole,
 8 probation, or suspension of sentence, and no portion of the sentence shall be imposed
 9 concurrently with the remaining balance of any sentence to be served for a prior
 10 conviction for any offense.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____