





1 with the benefit of parole, probation, or suspension of sentence pursuant to the  
2 provisions of this Paragraph.

3 E.(1)(a) Except as otherwise provided in Subparagraph (4)(b) of this  
4 Subsection, on a conviction of a fourth or subsequent offense, notwithstanding any  
5 other provision of law to the contrary and regardless of whether the fourth offense  
6 occurred before or after an earlier conviction, the offender shall be imprisoned with  
7 or without hard labor for not less than ten years nor more than thirty years and shall  
8 be fined five thousand dollars. ~~Two~~ Except as provided in Paragraph (5) of this  
9 Subsection, two years of the sentence of imprisonment shall be imposed without  
10 benefit of probation, parole, or suspension of sentence. The court, in its discretion,  
11 may suspend all or any part of the remainder of the sentence of imprisonment. If any  
12 portion of the sentence is suspended, except for a suspension of sentence pursuant  
13 to the provisions of Paragraph (5) of this Subsection, the offender shall be placed on  
14 supervised probation with the Department of Public Safety and Corrections, division  
15 of probation and parole, for a period of time not to exceed five years, which  
16 probation shall commence on the day after the offender's release from custody.

17 \* \* \*

18 (5)(a) Notwithstanding the provisions of Subparagraph (1)(a) of this  
19 Subsection, the two-year period described in Paragraph (1) of this Subsection which  
20 shall otherwise be imposed without the benefit of parole, probation, or suspension  
21 of sentence may also be suspended if the offender is accepted into a drug division  
22 probation program pursuant to R.S. 13:5301 et seq. The provisions of Paragraph (2)  
23 of this Subsection shall also be applicable to any offender whose sentence is served  
24 with the benefit of parole, probation, or suspension of sentence pursuant to the  
25 provisions of this Subparagraph.

26 (b) If the offender has previously participated in a drug division probation  
27 program pursuant to the provisions of Paragraph (D)(4) of this Section, the offender  
28 shall not be eligible to serve his sentence with the benefit of parole, probation, or  
29 suspension of sentence pursuant to the provisions of Subparagraph (a) of this

1 Paragraph, but shall be imprisoned at hard labor for not less than ten nor more than  
2 thirty years, and at least three years of the sentence shall be imposed without benefit  
3 of suspension of sentence, probation, or parole.

4 \* \* \*

5 K.

6 \* \* \*

7 (3)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection  
8 and R.S. 32:414(D)(1)(b), upon conviction of a third or subsequent offense of the  
9 provisions of this Section, any motor vehicle, while being operated by the offender,  
10 shall be equipped with a functioning ignition interlock device in accordance with the  
11 provisions of R.S. 15:306. The ignition interlock device shall remain installed and  
12 operative until the offender has completed the requirements of substance abuse  
13 treatment and home incarceration, or, if applicable, the requirements of the drug  
14 division probation program provided in R.S. 13:5301, et seq., under pursuant to the  
15 provisions of Subsections D and E of this Section.

16 \* \* \*

17 Section 3. R.S. 32:667(A)(2) and (3), (B)(introductory paragraph), (D)(1), and  
18 (H)(3) are hereby amended and reenacted to read as follows:

19 §667. Seizure of license; circumstances; temporary license

20 A. When a law enforcement officer places a person under arrest for a  
21 violation of R.S. 14:98, R.S. 14:98.1, or a violation of a parish or municipal  
22 ordinance that prohibits operating a vehicle while intoxicated, and the person either  
23 refuses to submit to an approved chemical test for intoxication, or submits to such  
24 test and such test results show a blood alcohol level of 0.08 percent or above by  
25 weight or, if the person is under the age of twenty-one years, a blood alcohol level  
26 of 0.02 percent or above by weight, the following procedures shall apply:

27 \* \* \*

28 (2) The temporary receipt shall also provide and serve as notice to the person  
29 that he has not more than ~~fifteen~~ thirty days from the date of arrest to make written

1 request to the Department of Public Safety and Corrections for an administrative  
2 hearing in accordance with the provisions of R.S. 32:668.

3 (3) In a case where a person submits to an approved chemical test for  
4 intoxication, but the results of the test are not immediately available, the law  
5 enforcement officer shall comply with Paragraphs (1) and (2) of this Subsection, and  
6 the person shall have ~~fifteen~~ thirty days from the date of arrest to make written  
7 request for an administrative hearing. If after thirty days from the date of arrest the  
8 test results have not been received or if the person was twenty-one years of age or  
9 older on the date of arrest and the test results show a blood alcohol level of less than  
10 0.08 percent by weight, then no hearing shall be held and the license shall be  
11 returned without the payment of a reinstatement fee. If the person was under the age  
12 of twenty-one years on the date of arrest and the test results show a blood alcohol  
13 level of less than 0.02 percent by weight, then no hearing shall be held and the  
14 license shall be returned without the payment of a reinstatement fee.

15 \* \* \*

16 B. If such written request is not made by the end of the ~~fifteen-day~~ thirty-day  
17 period, the person's license shall be suspended as follows:

18 \* \* \*

19 D.(1) Upon receipt of a request for an administrative hearing, the  
20 Department of Public Safety and Corrections shall issue a document extending the  
21 temporary license, which shall remain in effect until the completion of administrative  
22 suspension, revocation, or cancellation proceedings. The Department of Public  
23 Safety and Corrections shall forward the record of the case to the division of  
24 administrative law for a hearing within sixty days of the ~~date of arrest~~ receipt of the  
25 written request for an administrative hearing.

26 \* \* \*

27 H.

28 \* \* \*



be fined \$5,000. Two years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

Present law (R.S. 13:5301, et seq.) allows each district court to establish a drug division probation program and authorizes alcohol- or drug-related offenders to participate in such programs when the offender meets certain criteria.

Proposed law amends present law, relative to the sentencing for a third or subsequent conviction of operating a vehicle while intoxicated, to authorize imposition of the minimum mandatory sentence with benefit of parole, probation, or suspension of sentence if the offender is accepted into a drug division probation program.

Proposed law further provides that if the offender has previously participated in a drug division probation program for a third offense of operating a vehicle while intoxicated, the offender shall not be eligible to serve his sentence with the benefit of parole, probation or suspension of sentence pursuant to the provisions of proposed law for a fourth or subsequent offense, but shall be imprisoned at hard labor for not less than 10 nor more than 30 years, and at least three years of the sentence shall be imposed without benefit of suspension of sentence, probation, or parole.

Present law provides for 15 days from the date of the arrest for operating a vehicle while intoxicated to request an administrative hearing following the issuance of a temporary receipt for a driver's license.

Proposed law extends the time within which to request an administrative hearing from 15 days to 30 days from the date of the arrest.

Present law requires DPS&C to forward the record of the case to the division of administrative law for a hearing within 60 days of the date of the arrest.

Proposed law amends present law to require DPS&C to forward the record of the case to the division of administrative law for a hearing within 60 days of the date of receipt of the written request for an administrative hearing.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5304(O), R.S. 14:98(D)(1)(a), (E)(1)(a), and (K)(3)(a), and R.S. 32:667(A)(2) and (3), (B)(intro. para.), (D)(1), and (H)(3); Adds R.S. 14:98(D)(4) and (E)(5))