
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

Guillory

HB No. 511

Abstract: Provides relative to the calculation of multiple offenses for purposes of second and subsequent convictions of operating a vehicle while intoxicated.

Present law provides for the crime of operating a vehicle while intoxicated and provides for increased penalties for second and subsequent convictions of this offense.

Present law provides that for the purposes of determining whether a defendant has a prior conviction for operating a vehicle while intoxicated, a conviction for vehicular homicide, vehicular negligent injuring, or first degree vehicular negligent injuring, or a conviction under the laws of any state or ordinance which prohibits the operation of a vehicle while intoxicated shall constitute a prior conviction.

Present law provides that in making this determination, a prior conviction shall not include a conviction for an offense committed more than ten years prior to the commission of the current offense for which the defendant is being tried. Present law further provides that periods of time during which the offender was awaiting trial, on probation or parole, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

Proposed law repeals the present law provision that provides that a prior conviction shall not include a conviction for an offense committed more than ten years prior to the commission of the current offense for which the defendant is being tried.

(Amends R.S. 14:98(F))