

Regular Session, 2014

SENATE BILL NO. 148

BY SENATOR DORSEY-COLOMB

CRIME/PUNISHMENT. Provides relative to sentencing for certain homicides when there are multiple victims. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:32.1(B), relative to the crime of vehicular homicide; to
3 provide relative to penalties when multiple homicides are involved in the offense;
4 to provide for sentences to be served consecutively; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:32.1(B) is hereby amended and reenacted to read as follows:

8 §32.1. Vehicular homicide

9 * * *

10 B. (1) Except as provided in Paragraph (2) of this Subsection, whoever

11 ~~Whoever~~ commits the crime of vehicular homicide shall be fined not less than two
12 thousand dollars nor more than fifteen thousand dollars and shall be imprisoned with
13 or without hard labor for not less than five years nor more than thirty years. At least
14 three years of the sentence of imprisonment shall be imposed without benefit of
15 probation, parole, or suspension of sentence.

16 (2) If the operator's blood alcohol concentration is 0.15 percent or more by
17 weight based upon grams of alcohol per one hundred cubic centimeters of blood,

1 then at least five years of the sentence of imprisonment shall be imposed without
 2 benefit of probation, parole, or suspension of sentence. If the offender was
 3 previously convicted of a violation of R.S. 14:98, then at least five years of the
 4 sentence of imprisonment shall be imposed without benefit of probation, parole, or
 5 suspension of sentence.

6 **(3)** The court shall require the offender to participate in a court-approved
 7 substance abuse program and may require the offender to participate in a court-
 8 approved driver improvement program. All driver improvement courses required
 9 under this Section shall include instruction on railroad grade crossing safety.

10 **(4) When two or more homicides form the basis for a conviction under**
 11 **this Section, the offender shall be sentenced separately for each victim, and such**
 12 **sentences shall run consecutively.**

13 **(5) For purposes of this Section, the term two or more homicides in**
 14 **Paragraph (4) of this Subsection shall include third degree feticide as defined**
 15 **in R.S. 14:32.8.**

16 Section 2. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Dorsey-Colomb (SB 148)

Present law provides that whoever commits the crime of vehicular homicide is to be fined not less than \$2,000 nor more than \$15,000 and imprisoned with or without hard labor for not less than five years nor more than 30 years. Present law further provides that at least three years of the sentence of imprisonment is to be imposed without benefit of probation, parole, or suspension of sentence.

Present law provides that if the operator's blood alcohol concentration is 0.15 percent or more by weight based upon grams of alcohol per 100 cubic centimeters of blood, then at least five years of the sentence of imprisonment is to be imposed without benefit of probation, parole, or suspension of sentence.

Present law provides that if the offender was previously convicted of a violation of the present law crime of operating a vehicle while intoxicated, then at least five years of the sentence of imprisonment is to be imposed without benefit of probation, parole, or suspension of sentence.

Present law provides that the court is to require the offender to participate in a court-approved substance abuse program and may require the offender to participate in a court-approved driver improvement program. Present law further provides that all driver improvement courses required under present law are to include instruction on railroad grade crossing safety.

Proposed law retains present law and adds that when two or more homicides, including an unborn child as set forth in the crime of third degree feticide under present law, form the basis for a conviction under present law, the offender is to be sentenced separately for each victim, and such sentences are to run consecutively.

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

(Amends R.S. 14:32.1(B))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Adds sentencing for multiple victims of third degree feticide to proposed law.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.