
DIGEST

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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 for a ten-year cleansing period provision which states that a prior conviction for vehicular homicide, vehicular negligent injuring, first degree vehicular negligent injuring, or any other state or local DWI offense which occurred more than ten years prior to the commission of the current offense shall not be considered a prior conviction.

Proposed law removes convictions of vehicular homicide, vehicular negligent injuring, and first degree vehicular negligent injuring from the ten-year cleansing period so that a conviction for any of these offenses shall count as a prior conviction regardless of the date of conviction relative to the current offense.

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 retains present law.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Deleted provisions which would have repealed the present law provision that a prior conviction shall not include a conviction for an offense committed more than ten years prior to the commission of the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.
2. Removed vehicular homicide, vehicular negligent injuring, and first degree vehicular negligent injuring from the present law ten-year cleansing period for the purposes of determining whether a defendant has a prior conviction for a DWI offense.