
 DIGEST

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Dorsey-Colomb

SB No. 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 (C.Cr.P. Art. 883) provides that if a defendant is convicted of two or more offenses based on the same act or transaction, or constituting parts of a common scheme or plan, the terms of imprisonment shall be served concurrently unless the court expressly directs that some or all be served consecutively.

Proposed law amends present law to provide that notwithstanding present law (C.Cr.P. Art. 883), if the offense of vehicular homicide for which the offender was convicted proximately or directly causes the death of two or more human beings, including the killing of any unborn child, the offender shall be sentenced separately for each victim, and such sentences shall run consecutively.

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

(Adds R.S. 14:32.1(C))

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.

Summary of Amendments Adopted by House

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

1. Amended the provisions of proposed law to provide that proposed law shall apply notwithstanding the provisions of present law which require sentences imposed for convictions of two or more offenses which are based on the same act or transaction, or which constitute parts of a common scheme or plan, to be served concurrently.

2. Made technical corrections.