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DIGEST

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Johns

SB No. 289

Present law provides that every court in this state is to keep a full report of every case in which a person is charged with violation of any provision of present law relative to motor vehicles and traffic regulations, or any regulation of the Dept. of Public Safety and Corrections (DPSC) adopted pursuant to present law, or any state law or of any municipal or parish ordinance regulating the operation of motor vehicles on highways.

Proposed law retains present law.

Present law provides that if a person charged with a violation of present law relative to motor vehicles and traffic regulations is convicted and sentenced, or if his bail is forfeited, or if other final disposition be made, an abstract of the report is to be sent by the court or the district attorney to DPSC. Present law further provides that a conviction is to be reported regardless of whether the person has been placed on probation for the offense pursuant to present law.

Proposed law retains present law.

Present law requires DPSC to suspend the driver's license of any person for a period of 12 months upon receiving satisfactory evidence of the conviction, guilty plea, or nolo contendere plea and sentencing of any person charged with a first offense of the present law crimes of vehicular negligent injuring or operating a motor vehicle while under the influence (DWI) of beverages of high alcoholic content, low alcoholic content, narcotic drugs, or central nervous system stimulants.

Proposed law retains present law and clarifies that a suspended sentence and probation are to be considered as convictions for purposes of present law requiring suspension of the person's driver's license.

Present law provides that a person's vehicle operating record cannot include an arrest for a first or second misdemeanor DWI violation when the person was convicted or entered a plea, and the sentence was suspended and the person placed on probation pursuant to present law.

Proposed law clarifies that a person's vehicle operating record cannot include an arrest for a first or second violation of any state, local, parish, city, municipal, or other government ordinance, statute, or legal provision making criminal the operating of a motor vehicle while intoxicated or under the influence of alcohol, including but not limited to R.S. 14:98, in certain circumstances.

Present law further provides that DPSC is to add the conviction to the operating record and suspend or revoke the person's driver's license only if the court, clerk, or district attorney subsequently reports that the person was denied a final dismissal.

Proposed law changes present law to provide that DPSC is to add the first or second misdemeanor DWI conviction to the person's vehicle operating record when the sentence was suspended and the person was placed on probation, until such time as DPSC receives notice that the person achieved a final dismissal under present law.

Effective August 1, 2014.

(Amends R.S. 32:414(A)(1)(a), 853(A)(1)(c)(intro para), and 853(A)(1)(c)(iii))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Adds that the commissioner shall not include in a person's vehicle operating record arrests for a first or second violation of any state, local, parish, city, municipal, or other government ordinance, statute, or legal provision making criminal operating a motor vehicle while intoxicated, including but not limited to R.S. 14:98, if DPSC receives a report that the person achieved a final dismissal under the provisions of CCrP Art. 894.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the engrossed bill.

1. Makes technical changes.