

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 293 By Senator Martiny

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

DWI. Provides for prior convictions of operating a vehicle while intoxicated. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provision that the time an offender is incarcerated in this or any other state for any offense, including DWI offenses is to be excluded in computing the ten-year period.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

Martiny (SB 293)

Present law provides for the crime of operating a vehicle while intoxicated (DWI) and provides that for purposes of determining if a defendant has a prior conviction for DWI, a conviction for vehicular homicide, vehicular negligent injuring, first degree vehicular negligent injuring, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state, which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance shall constitute a prior conviction. Requires that this determination be made by the court as a matter of law. Proposed law retains these provisions.

Present law provides that a prior conviction shall not include a conviction for a DWI, vehicular homicide, vehicular negligent injuring, or first degree vehicular negligent injuring or under a comparable statute or ordinance of another jurisdiction, as described in present law, if committed more than ten years prior to the commission of the crime for which the defendant is being tried and the conviction shall not be considered in the assessment of penalties under present law. Proposed law retains these provisions.

Present law requires that periods of time during which the offender was awaiting trial, on probation or parole for a DWI offense described present law, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state be excluded in computing the ten-year period.

Proposed law retains present law but clarifies that periods of time awaiting trial, under an order of attachment for failure to appear, or on probation or parole for a DWI offense or periods of time during which the offender was incarcerated in a penal institution in this or any other state for any offense, including DWI offenses, are to be excluded from the 10-year computation.

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

(Amends R.S. 14:98(F)(2))

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