

Existing law provides for the crime of operating a vehicle while intoxicated and provides for increased penalties for second and subsequent convictions of this offense.

Existing 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.

Existing law provides for a ten-year cleansing period provision which states that a prior conviction which occurred more than ten years prior to the commission of the current offense shall not be considered a prior conviction.

Existing law 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.

Prior law included certain offenses in the ten-year cleansing period.

New law provides that convictions of vehicular homicide and first degree vehicular negligent injuring are not eligible for the ten-year cleansing period such that a conviction for either of these offenses shall count as a prior conviction regardless of the date of conviction relative to the current offense.

Effective Aug. 1, 2014.

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