
 DIGEST

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SB 47 Reengrossed

2015 Regular Session

Perry

Present law (R.S. 13:1894.1) provides for the following:

- (1) Prosecutions in any city, parish, or municipal court (except in New Orleans city, municipal, and traffic courts) for operating a vehicle while intoxicated may be charged and prosecuted under the provisions of the state law prohibiting operation of a vehicle while intoxicated or under any applicable city, parish, or municipal ordinance which incorporates the standards, elements, and sentences of the state law.
- (2) For a first or second offense violation of operating a vehicle while intoxicated:
 - (a) Any conviction or guilty plea in any such city, parish, or municipal court shall be punishable in accordance with the penalty provisions provided for in the state law relative to a first or second offense of operating a vehicle while intoxicated.
 - (b) All city, parish, and municipal courts shall have concurrent jurisdiction with the district courts.
- (3) Fines levied and collected in Caldwell, Catahoula, Concordia, Franklin, LaSalle, and Tensas parishes pursuant to prior law (R.S. 14:98(J)) shall be remitted to the Northeast La. Substance Abuse Center. However, this provision of present law (R.S. 14:98(J)) was repealed by Act No. 209 of the 1988 R.S.

Act No. 385 of the 2014 R.S. substantially reorganized and redesignated the provisions of law (R.S. 14:98 et seq.) relative to operating a vehicle while intoxicated.

Proposed law does all of the following:

- (1) Makes technical corrections to citations in present law (R.S. 13:1894.1) to reflect the reorganization and re-designation of provisions by Act No. 385 of the 2014 R.S., relative to the crime of operating a vehicle while intoxicated.
- (2) Repeals the provision of present law referencing a twenty-five-dollar fine levied in certain parishes that was repealed by Act No. 209 of the 1988 R.S.

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

(Amends R.S. 13:1894.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Repeals present law prohibition on a licensed practical nurse performing a blood test without a court order.

Senate Floor Amendments to engrossed bill

1. Restores authorization for a licensed practical nurse to perform a blood test pursuant to a subpoena or court order, and further authorizes the nurse to perform a blood test when directed to do so by a registered nurse or licensed physician.

Summary of Amendments Adopted by House

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

1. Repeal the provision of present law referencing a twenty-five-dollar fine levied in certain parishes that was repealed by Act No. 209 of the 1988 R.S.
2. Delete the provision of proposed law authorizing a licensed practical nurse to perform a blood test at the direction of a registered nurse or licensed physician.