

Regular Session, 2009

SENATE BILL NO. 15

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DWI. Requires the Department of Public Safety and Corrections to establish and maintain the impaired driver tracking system and provides for the integration of the tracking system into the ICJIS project under certain circumstances. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 15:1228.9 and to repeal Section 3 of Act 666 of the 2004
3 Regular Session of the Legislature of Louisiana, relative to the impaired driver
4 tracking system; to require the Department of Public Safety and Corrections to
5 establish and maintain the impaired driver tracking system; to provide for the
6 tracking system to be integrated into the Integrated Criminal Justice Information
7 System project under certain circumstances; to provide for effectiveness; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:1228.9 is hereby amended and reenacted to read as follows:

11 §1228.9. Impaired Driver Tracking System; purpose; procedure

12 A. The Legislature of Louisiana finds and declares that driving under the
13 influence of alcohol or a controlled dangerous substance presents a significant threat
14 to the public safety and welfare ~~to~~ **of** the citizens of this state. Impaired driving
15 causes loss of life and serious bodily injury, as well as substantial property damage
16 in every area of this state. The ability to track those persons previously arrested for
17 an impaired driving offense will assist agencies which are involved in the

1 investigation, prosecution, and disposition of impaired driving offenses. In order to
 2 accomplish that goal, it is in the best interest of this state to ~~utilize the ICJS project~~
 3 ~~to coordinate an~~ **establish and maintain a** ~~impaired driver~~ tracking system to ensure
 4 that persons employed by the agencies involved in the investigation, prosecution, and
 5 disposition of impaired driving offenses have complete, reliable, and accurate
 6 information on every person who has committed an offense listed herein.

7 ~~B. The Integrated Criminal Justice Information System (ICJS) Project shall~~
 8 ~~contain a component for the Impaired Driver Tracking System as provided in this~~
 9 ~~Section.~~

10 ~~€. B.~~ **B.** The **Department of Public Safety and Corrections shall establish**
 11 **and maintain the** Impaired Driver Tracking System ~~component of ICJS,~~ **which**
 12 shall be designed so as to provide accurate, complete, and reliable information
 13 regarding the arrest of each impaired driver for the offenses set forth in this
 14 Subsection and the disposition, of each impaired case, including information on
 15 prosecution, dismissal, conviction, disposition, or completion of the sentence.
 16 Notwithstanding any other provision of law to the contrary, all agencies participating
 17 in the Impaired Driver Tracking System as provided in this Section shall have access
 18 to the data collected as provided for in Subsection ~~Ð~~ **C.** of this Section concerning
 19 any of the following offenses:

20 (1) R.S. 14:32.1 (vehicular homicide).

21 (2) R.S. 14:39.1 (vehicular negligent injuring).

22 (3) R.S. 14:39.2 (first degree vehicular negligent injuring).

23 (4) R.S. 14:98 (operating a vehicle while intoxicated).

24 (5) Any ordinance of a municipality, parish, or other similar political
 25 subdivision of the state, which prohibits the operation of a motor vehicle, aircraft,
 26 watercraft, vessel, or other means of conveyance while intoxicated, while impaired,
 27 or while under the influence of alcohol, drugs, or any controlled dangerous
 28 substance.

29 ~~Ð. C.~~(1) Every law enforcement agency in this state, including but not

1 limited to city police departments, sheriffs' offices, and state police shall submit the
2 following information to the ~~impaired driver tracking system component of ICJS~~
3 **Department of Public Safety and Corrections, office of motor vehicles**, when a
4 person is arrested for any offense listed in Subsection ~~€~~ **B** of this Section:

5 (a) ~~The law enforcement agency making the arrest shall provide sufficient~~
6 **Sufficient identification** information ~~about the arrested person~~ so that other law
7 enforcement agencies, courts, ~~the Department of Public Safety and Corrections~~, and
8 other relevant persons, **departments**, or agencies can identify the person arrested,
9 including but not limited to name, address, driver's license number, date of birth, and
10 physical characteristics, such as eye color, hair color, and gender.

11 (b) ~~The law enforcement agency shall also input pertinent~~ **Pertinent** arrest
12 information, including date, location of the offense, arresting officer, the violation
13 charged, whether the person arrested submitted or refused to submit to a test to
14 determine the presence of alcohol or drugs, the results of those tests if applicable,
15 and any other information that the arresting officer deems necessary.

16 (2) Every ~~district attorney and prosecutor~~ **parish and municipal clerk of**
17 **court** in this state shall provide information to the ~~impaired driver tracking system~~
18 ~~component of ICJS~~ **Department of Public Safety and Corrections, office of**
19 **motor vehicles**, regarding each person who is referred for prosecution of an offense
20 listed in Subsection ~~€~~ **B** of this Section. This information shall include but is not
21 limited to the criminal charge filed against the person, ~~whether or not the person was~~
22 ~~required to participate in substance abuse treatment, a driver improvement program~~
23 ~~or any pretrial diversion program, whether the person completed the requirements~~
24 ~~imposed by the prosecutor or district attorney~~, and whether a conviction was
25 obtained.

26 (3) Every court in this state with jurisdiction over any of the offenses listed
27 in Subsection ~~€~~ **B** of this Section shall provide information to the ~~impaired driver~~
28 ~~tracking system component of ICJS~~ **Department of Public Safety and**
29 **Corrections, office of motor vehicles**, with regard to the disposition of the charge

1 for any offense listed in Subsection ~~C~~B of this Section, including but not limited to
2 the date of arraignment, date of disposition, whether or not the defendant was
3 required to participate in substance abuse treatment, the final disposition of the
4 charge, sentence or penalties imposed, probation information, any administrative
5 sanctions imposed, such as driver's license suspensions, fines assessed, penalties for
6 failure to complete court or administrative sanctions, and date of reinstatement.

7 ~~E.D.~~ The information contained in the impaired driver tracking system shall
8 be shared by all agencies who contribute information to it, in accordance with the
9 provisions of ~~the ICJS project in order~~ this Section to effectively investigate,
10 prosecute, or dispose of cases involving impaired driving. ~~The~~ Such information
11 ~~contained in the tracking system~~ may also be used to generate periodic reports on the
12 number of impaired driving offenses taking place during a specified period of time.

13 **E. The impaired driver tracking system as established pursuant to this**
14 **Section shall be implemented by the Department of Public Safety and**
15 **Corrections beginning August 15, 2009 and shall be maintained by the office of**
16 **motor vehicles until such time as the Integrated Criminal Justice Information**
17 **System project is successfully completed and becomes operational. In such case,**
18 **the impaired driver tracking system shall become a component of the**
19 **Integrated Criminal Justice Information System on the first day of the second**
20 **month following receipt by the Department of Public Safety and Corrections**
21 **and the Louisiana State Law Institute of written notice from the Louisiana**
22 **Commission on Law Enforcement and Administration of Criminal Justice,**
23 **office of the governor, of its establishment and implementation.**

24 Section 2. Section 3 of Act 666 of the 2004 Regular Session of the Legislature of
25 Louisiana is hereby repealed.

26 Section 3. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law (Jade's Law) establishes the Impaired Driver Tracking System as a component of the Integrated Criminal Justice Information System (ICJIS) project. Requires that such tracking system be designed to provide accurate, complete, and reliable information regarding the arrest of each impaired driver for certain offenses and the disposition, of each impaired case, including information on prosecution, dismissal, conviction, disposition, or completion of the sentence. Provides for all agencies participating in the Impaired Driver Tracking System to have access to the certain data collected concerning any of the following offenses:

- (1) R.S. 14:32.1 (vehicular homicide).
- (2) R.S. 14:39.1 (vehicular negligent injuring).
- (3) R.S. 14:39.2 (first degree vehicular negligent injuring).
- (4) R.S. 14:98 (operating a vehicle while intoxicated).
- (5) Any local ordinance that prohibits the operation of a 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.

Proposed law retains the Impaired Driver Tracking System as required by present law, but requires the Department of Public Safety and Corrections (department) to establish and maintain the tracking system. Requires all pertinent information be submitted to the office of motor vehicles for purposes of tracking those persons previously arrested for an impaired driving offense.

Present law (Section 3 of Act 666 of the 2004 Regular Session of the Legislature) provides for the tracking system to become effective on the first day of the second month following receipt by the department and the Louisiana State Law Institute of written notice from the La. Commission on Law Enforcement and Administration of Criminal Justice, office of the governor, of the successful completion and implementation of the ICJIS project.

Proposed law repeals present law and provides for implementation by the department beginning August 15, 2009. Requires the tracking system to become a component of ICJIS, if and when the project is successfully completed and becomes operational, beginning on the first day of the second month following receipt by the department and the La. State Law Institute of written notice from the La. Commission on Law Enforcement and Administration of Criminal Justice, office of the governor, of its implementation.

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

(Amends R.S. 15:1228.9; repeals Sec. 3 of Act 666 of the 2004 R.S.)