
The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Mount (SB 215)

Present law provides that on a conviction of a third offense DWI, the offender will be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined \$2,000 and imprisoned for 45 days without benefit of probation, parole, or suspension of sentence. The court, in its discretion, may suspend all or any part of the remainder of the sentence of imprisonment.

Proposed law maintains present law and enhances the imprisonment sentence from 45 days to one year without benefit of probation, parole, or suspension of sentence.

Present law provides that on a conviction of a fourth or subsequent offense, the offender will be imprisoned with or without hard labor for not less than 10 years nor more than 30 years and shall be fined \$5,000 and imprisoned for 75 days without benefit of probation, parole, or suspension of sentence. The court, in its discretion, may suspend all or any part of the remainder of the sentence of imprisonment.

Proposed law maintains present law and enhances the imprisonment sentence from 75 days to two years without benefit of probation, parole, or suspension of sentence.

Present law provides for suspension of a third conviction of a noncapital felony which a defendant could have his sentence suspended if such conviction were for a first or second offense or for a violation of the Uniform Controlled Dangerous Substances Law, and when it appears that the best interest of the public and the defendant will be served, and with the consent of the district attorney the court may suspend, in whole or in part, the imposition or execution of the sentence.

Proposed law retains present law and provides for suspension of a third conviction of operating a vehicle while intoxicated which a defendant could have his sentence suspended, and when it appears that the best interest of the public and the defendant will be served, and with the consent of the district attorney the court may suspend, in whole or in part, the imposition or execution of the sentence.

Proposed law provides for an offender to enter and complete an established DWI court program pursuant to the trial court and the district attorney.

Proposed law provides that sentencing alternatives are available to offenders convicted of a fourth offense DWI, but only if the offender had not been offered such alternatives prior to his

fourth conviction.

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

(Amends R.S. 14:98(D)(1)(a) and (E)(1)(a) and (4)(b) and C.Cr.P. Art. 893(B))

Summary of Amendments Adopted by Senate

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

1. Adds a third conviction of operating a vehicle while intoxicated to the list of noncapital felony cases for which a defendant could have his sentence suspended upon entering and completing an established DWI court program.

Senate Floor Amendments to reengrossed bill.

1. Technical corrections made.
2. Changes the number of mandatory years for a fourth offense DWI from three to two.
3. Allows for alternative sentencing to be made available to fourth offense DWI offenders who have not been offered such alternatives prior to a fourth conviction.