
DIGEST

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Mount

SB No. 215

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

Proposed law maintains present law and increases the minimum mandatory sentence from 45 days to one year.

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

Proposed law maintains present law and increases the minimum mandatory sentence from 75 days to two years.

Present law provides for suspension of a third conviction of a noncapital felony when a defendant could have his sentence suspended if the 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.

Proposed law retains present law and adds authorization for suspension of a third conviction of operating a vehicle while intoxicated.

Proposed law requires an offender to enter and complete an established DWI court program or to serve a minimum of one year in a Judicial Agency Referral Residential Facility.

Proposed law provides that proposed law 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.

Summary of Amendments Adopted by House

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

1. Made technical corrections.
2. Reorganized provisions regarding suspension of certain sentences.