
DIGEST

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HB 525 Original

2018 Regular Session

Bagneris

Abstract: Provides for prohibitions on operating a vehicle for a person who is placed on probation for a first offense DWI or who enters into a plea agreement for a DWI.

Present law provides that any person convicted of a first offense of operating a vehicle while intoxicated (DWI) shall be fined not less than \$300 nor more than \$1,000, and shall be imprisoned for not less than ten days nor more than six months. Further provides that imposition or execution of this sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete certain requirements.

Present law authorizes the court to prohibit a person placed on probation for a conviction of first offense DWI from operating any motor vehicle during the period of probation, or such shorter time as set by the court, unless the vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device.

Proposed law amends present law to require the person placed on probation for a conviction of a first offense DWI from operating any motor vehicle during the period of probation, or such shorter time as set by the court, unless the vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device.

Proposed law also provides that any plea agreement reached by the parties for a DWI offense shall include a requirement that the offender not operate a motor vehicle, unless the vehicle is equipped with a functioning ignition interlock device in compliance with the provisions of present law which provides that:

- (1) No offender who is ordered to install an ignition interlock device shall:
 - (a) Violate the conditions of his restricted driver's license as set by the Dept. of Public Safety and Corrections.
 - (b) Operate, rent, lease, or borrow a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device.
 - (c) Request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the offender with an operable motor vehicle.

- (2) If the court imposes the use of an ignition interlock device as a condition of probation, the offender shall provide proof of compliance to the court or the probation officer within thirty days. Failure to provide such proof without good cause shall result in revocation of the offender's probation.
- (3) The person shall have the system on his vehicle monitored by the manufacturer for proper use.

Proposed law provides that the period of time that the offender is restricted from operating a motor vehicle pursuant to these provisions of proposed law shall be agreed upon by the parties, but in no case shall the period of time be less than six months.

(Amends R.S. 14:98.1(A)(1)(intro. para.) and (d) and 98.5(C) and R.S. 32:378.2(A))