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

SB 401 Original

DIGEST
2024 Regular Session

Reese

Present law provides that vehicular negligent injuring is the inflicting of any injury on another when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance when, among other factors, the offender's blood alcohol concentration (BAC) is 0.08% or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.

Present law provides that whoever commits the crime of vehicular negligent injuring will be fined up to \$1,000, or imprisoned for up to six months, or both.

Proposed law provides that, if the offender had a BAC at the time of the commission of the offense of at least 0.15 but less than 0.20, he will be fined not more than \$1,000 and imprisoned for not less than seven days nor more than six months. At least seven days must be served without the benefit of probation or suspension of sentence. Proposed law further provides that, if the offender had a BAC at the time of the commission of the offense of 0.20 or more, he will be fined not more than \$1,000 and imprisoned for not less than 30 days nor more than six months. At least 30 days must be served without the benefit of probation or suspension of sentence.

Proposed law otherwise retains present law.

Present law provides that first degree vehicular negligent injuring is the inflicting of serious bodily injury on another when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance when, among other factors, the offender's BAC is 0.08% or more.

Present law provides that whoever commits the crime of first degree vehicular negligent injuring will be fined up to \$2,000, or imprisoned with or without hard labor for up to five years, or both.

Proposed law increases the maximum fine from \$2,000 to \$5,000 and the maximum prison term, with or without hard labor, from five years to 10 years.

Proposed law provides that if the offender had a BAC at the time of commission of the offense of at least 0.15, or if the offender has a prior conviction for operating a vehicle while intoxicated, then he will be fined not more than \$5,000 and imprisoned for not less than two years nor more than 10 years. At least two years must be served without benefit of probation, parole, or suspension of sentence. Proposed law also provides that an offender placed on probation must, as a condition of his probation, participate in a court-approved substance abuse treatment program. Proposed law further provides that the court may order a offender to successfully complete a court-approved driver improvement program as a condition of his probation.

Proposed law provides that first degree vehicular negligent injuring is designated as a crime of violence when the offender's BAC was at least 0.20 at the time of the offense.

Effective August 1, 2024.

(Amends R.S. 14:39.1(C) and 39.2(D); adds R.S. 14:2(B)(61))