

SENATE BILL NO. 401

BY SENATOR REESE

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AN ACT

To amend and reenact R.S. 14:39.1(C) and 39.2(D) and to enact R.S. 14:2(B)(62), relative to the crimes of vehicular negligent injuring and first degree vehicular negligent injuring; to increase the penalties for vehicular negligent injuring and first degree vehicular negligent injuring under certain circumstances; to provide that first degree vehicular negligent injuring is a crime of violence under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:39.1(C) and 39.2(D) are hereby amended and reenacted and R.S. 14:2(B)(62) is hereby enacted to read as follows:

§2. Definitions

\* \* \*

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

\* \* \*

**(62) First degree vehicular negligent injuring, when the operator's blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood.**

\* \* \*

§39.1. Vehicular negligent injuring

\* \* \*

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2 C.(1) Whoever commits the crime of vehicular negligent injuring shall be  
3 fined not more than one thousand dollars or imprisoned for not more than six  
4 months, or both.

5 **(2) Whoever commits the crime of vehicular negligent injuring and who**  
6 **had a blood alcohol concentration, at the time of the commission of the offense,**  
7 **of at least 0.15 percent but less than 0.20 percent by weight based on grams of**  
8 **alcohol per one hundred cubic centimeters of blood, shall be fined not more**  
9 **than one thousand dollars and imprisoned for not less than seven days nor more**  
10 **than six months. At least seven days of the sentence imposed by this Paragraph**  
11 **shall be served without the benefit of probation or suspension of sentence.**

12 **(3) Whoever commits the crime of vehicular negligent injuring and who**  
13 **had a blood alcohol concentration, at the time of the commission of the offense,**  
14 **of at least 0.20 percent by weight based on grams of alcohol per one hundred**  
15 **cubic centimeters of blood, shall be fined not more than one thousand dollars**  
16 **and imprisoned for not less than thirty days nor more than six months. At least**  
17 **thirty days of the sentence imposed by this Paragraph shall be served without**  
18 **the benefit of probation or suspension of sentence.**

19 §39.2. First degree vehicular negligent injuring

\* \* \*

20  
21 D.(1)Whoever commits the crime of first degree vehicular negligent injuring  
22 shall be fined not more than ~~two~~ **five** thousand dollars or imprisoned with or without  
23 hard labor for not more than ~~five~~ **ten** years, or both.

24 **(2) Whoever commits the crime of first degree vehicular negligent**  
25 **injuring and who had either a blood alcohol concentration, at the time of the**  
26 **commission of the offense, of at least 0.15 percent by weight based on grams of**  
27 **alcohol per one hundred cubic centimeters of blood, or has a prior conviction**  
28 **for operating a vehicle while intoxicated, shall be fined not more than five**  
29 **thousand dollars and imprisoned with or without hard labor for not less than**  
30 **two years nor more than ten years. At least two years of the sentence imposed**

1           shall be served without the benefit of probation, parole, or suspension of  
2           sentence. During any period of probation, the court shall order the offender to  
3           participate in a court-approved substance abuse treatment program and may  
4           require successful completion of a court-approved driver improvement  
5           program.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_