

RÉSUMÉ DIGEST

ACT 523 (SB 401)

2024 Regular Session

Reese

Existing law provides that vehicular negligent injuring is the inflicting of any injury on another when caused proximately or 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.

Existing 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.

New 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 of which must be served without benefit of probation or suspension of sentence.

New 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 of which must be served without the benefit of probation or suspension of sentence.

New law otherwise retains existing law.

Existing 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.

New law retains existing law.

Prior 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.

New 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.

New law provides that if the offender had a BAC at the time of commission of the offense of at least 0.15, or has a prior conviction for operating a vehicle while intoxicated, then he will be fined not more than \$5,000 and imprisoned with or without hard labor for not less than two years nor more than 10 years. New law further provides that at least two years must be served without benefit of probation, parole, or suspension of sentence.

New law also provides that an offender placed on probation, as a condition of his probation, must participate in a court-approved substance abuse treatment program. New law further provides that the court may order an offender to successfully complete a court-approved driver improvement program as a condition of his probation.

New law further 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 Aug. 1, 2024.

(Amends R.S. 14:39.1(C) and 39.2(D); adds R.S. 14:2(B)(62))