

2026 Regular Session

HOUSE BILL NO. 82

BY REPRESENTATIVE VILLIO

DWI: Provides relative to penalties for DWI offenses

1

AN ACT

2 To amend and reenact R.S. 14:98.2(D), 98.3(C), and 98.4(C) and (D) and to enact R.S.
3 14:98.3(D) and 98.4(E), relative to driving while intoxicated; to provide enhanced
4 penalties for offenders with previous driving-related offenses; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:98.2(D), 98.3(C), and 98.4(C) and (D) are hereby amended and
8 reenacted and R.S. 14:98.3(D) and 98.4(E) are hereby enacted to read as follows:

9 §98.2. Operating while impaired; second offense; penalties

10 * * *

11 D. Notwithstanding any other provision of law to the contrary, on a
12 conviction of a second offense violation of R.S. 14:98, and regardless of whether the
13 second offense occurred before or after the first conviction, when the first offense
14 was for the crime of vehicular homicide in violation of R.S. 14:32.1, third degree
15 feticide in violation of R.S. 14:32.8, or first degree vehicular negligent injuring in
16 violation of R.S. 14:39.2, or an equivalent law or laws of any state, the offender shall
17 be fined two thousand dollars and imprisoned, with or without hard labor, for not less
18 than one year two years nor more than five years. At least six months one year of
19 the sentence of imprisonment imposed shall be without benefit of parole, probation,
20 or suspension of ~~sentence~~ sentence. Except in compliance with R.S.

1 14:98.5(B)(1), the mandatory minimum sentence ~~cannot~~ shall not be served on home
2 incarceration.

3 * * *

4 §98.3. Operating while impaired; third offense; penalties

5 * * *

6 C.(1) If the offender has previously been convicted for the crime of vehicular
7 homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S.
8 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, or
9 an equivalent law or laws of any state, then on a conviction of a third or subsequent
10 offense violation of R.S. 14:98, notwithstanding any other provision of law to the
11 contrary and regardless of whether the offense occurred before or after an earlier
12 conviction, the offender shall be fined two thousand dollars and imprisoned, with or
13 without hard labor, for not less than five nor more than fifteen years. At least five
14 years of the sentence imposed shall be served without benefit of parole, probation,
15 or suspension of sentence. Except in compliance with R.S. 14:98.5(B)(1), the
16 mandatory minimum sentence shall not be served on home incarceration.

17 (2) Except where inconsistent with the provisions of this Subsection, the
18 conditions of probation include but are not limited to the conditions of probation
19 provided by Paragraph (A)(3) of this Section, except that the offender shall not be
20 sentenced to substance abuse treatment provided for by Items (A)(3)(b)(i) and (ii)
21 of this Section. Nothing in this Section prohibits the court from ordering substance
22 abuse treatment if it determines that the offender is able to pay for the substance
23 abuse treatment.

24 C. D. In addition to any other penalty, the court shall order, upon motion of
25 the prosecuting district attorney, that the vehicle being operated by the offender at
26 the time of the offense be seized and impounded, and sold at auction in accordance
27 with the provisions of R.S. 14:98(F).

28 §98.4. Operating while impaired; fourth offense; penalties

29 * * *

1 C. If the offender has previously been convicted for the crime of vehicular
2 homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S.
3 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, or
4 an equivalent law or laws of any state, then on a conviction of a fourth or subsequent
5 offense violation of R.S. 14:98, notwithstanding any other provision of law to the
6 contrary and regardless of whether the offense occurred before or after an earlier
7 conviction, the offender shall be fined five thousand dollars and imprisoned, with or
8 without hard labor, for not less than twelve months nor more than thirty years. No
9 part of the sentence shall be imposed with benefit of parole, probation, or suspension
10 of sentence, and no portion of the sentence shall be imposed concurrently with the
11 remaining balance of any sentence to be served for a prior conviction for any
12 offense.

13 E. D. If the offender has previously received the benefit of parole, probation,
14 or suspension of sentence on a conviction of a fourth or subsequent offense violation
15 of R.S. 14:98, then on a subsequent conviction of a fourth or subsequent offense,
16 notwithstanding any other provision of law to the contrary and regardless of whether
17 the offense occurred before or after an earlier conviction, the offender shall be fined
18 five thousand dollars and imprisoned at hard labor for not less than ten nor more than
19 thirty years. No part of the sentence shall be imposed with benefit of parole,
20 probation, or suspension of sentence, and no portion of the sentence shall be imposed
21 concurrently with the remaining balance of any sentence to be served for a prior
22 conviction for any offense.

23 D. E. In addition to any other penalty, the court shall order, upon motion of
24 the prosecuting district attorney, that the vehicle being operated by the offender at
25 the time of the offense be seized and impounded, and sold at auction in accordance
26 with the provisions of R.S. 14:98(F).

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 82 Original

2026 Regular Session

Villio

Abstract: Provides increased penalties for third and fourth offense driving while under the influence when the offender was previously convicted for certain crimes.

Present law provides for increased penalties for a second offense of driving while under the influence if the offender was previously convicted for the following crimes:

- (1) R.S. 14:32.1 (vehicular homicide)
- (2) R.S. 14:32.8 (third degree feticide)
- (3) R.S. 14:39.2 (first degree vehicular negligent injuring)

Proposed law retains present law and provides for increased penalties for third and fourth offenses of driving while under the influence when the offender was previously convicted for the same crimes or equivalent laws of another state.

(Amends R.S. 14:98.2(D), 98.3(C), and 98.4(C) and (D); Adds R.S. 14:98.3(D) and 98.4(E))