

2026 Regular Session

HOUSE BILL NO. 264

BY REPRESENTATIVE GLORIOSO

DWI: Provides relative to operating a vehicle while intoxicated

1 AN ACT

2 To enact R.S. 14:98.9, relative to operating a vehicle while impaired; to provide for
3 detention and release of persons arrested for operating while impaired until
4 medically sober; to require a safe-release determination prior to release from
5 custody; to provide for the securing of a motor vehicle in association with an
6 operating-while-impaired offense; to provide for notice to rental dealers and
7 procedures for rental vehicles; to provide for immunity for good faith compliance;
8 to provide for rulemaking authority; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:98.9 is hereby enacted to read as follows:

11 §98.9. "Jada's Law"; sober release requirement; vehicle security following arrest

12 A. This Section may be cited as "Jada's Law".

13 B. As used in this Section, the following terms have the following meanings
14 ascribed to them:

15 (1) "Chemical test" means a chemical test authorized by R.S. 32:661 et seq.

16 (2) "Legal limit" means a blood alcohol concentration of 0.08 percent for
17 offenses in violation of R.S. 14:98 and 0.02 percent for offenses in violation of R.S.
18 14:98.6.

19 (3) "Medically sober" means a condition in which a person is no longer
20 impaired to the extent that the person is a danger to himself or to others, is capable

1 of caring for basic needs, and does not present observable signs of intoxication or
2 impairment that would make release unsafe, as determined by either of the
3 following:

4 (a) A physician, registered nurse, physician assistant, paramedic, or other
5 licensed healthcare professional acting within the scope of practice.

6 (b) A correctional officer or booking supervisor trained in impairment
7 recognition consistent with policies adopted pursuant to Subsection H of this Section.

8 (4) "Operating-while-impaired offense" means a violation of R.S. 14:98 or
9 R.S. 14:98.6, or any substantially equivalent state law or local ordinance.

10 (5) "Safe-release clearance" means a written or electronic record made by
11 the custodial agency reflecting the determination prescribed in Subsection C of this
12 Section that the arrestee is eligible for release.

13 C.(1) Notwithstanding any provision of law to the contrary, a person arrested
14 for an operating-while-impaired offense shall not be released from custody by bond,
15 personal recognizance, summons, citation, jail release, or otherwise unless the
16 custodial agency issues a safe-release clearance.

17 (2) A safe-release clearance may be issued only when the person is
18 medically sober and if a chemical test was administered and indicates a blood
19 alcohol concentration above the legal limit and the custodial agency has determined,
20 by a subsequent breath test or other lawful means consistent with policies adopted
21 pursuant to Subsection H of this Section, that the person's blood alcohol
22 concentration is at or below the legal limit. Nothing in this Subsection requires
23 repeated blood draws.

24 (3) If no chemical test result is available due to refusal, unavailability, or
25 delay outside the control of the custodial agency, a safe-release clearance may only
26 be issued when the person is medically sober and a minimum of eight hours has
27 elapsed from the time of the arrest, provided that the person may be held longer if
28 he is not medically sober.

1 (4) Nothing in this Section shall be construed to deny or restrict the
2 entitlement of a person to bail pursuant to the Code of Criminal Procedure or limit
3 the authority of a court to impose additional conditions of release in accordance with
4 applicable law.

5 D.(1) Upon issuance of a safe-release clearance, the custodial agency shall
6 document in the booking record the planned means of transportation of the arrestee
7 from the facility.

8 (2) The custodial agency may require, as a condition of physical release from
9 the facility, that the person be released to a sober licensed adult, a rideshare or taxi,
10 public transportation, or other reasonable means that does not involve the person
11 operating a motor vehicle.

12 E.(1) When a person is arrested for an operating-while-impaired offense
13 arising from the operation of a motor vehicle, the arresting agency shall, as soon as
14 practicable, take reasonable steps to secure the motor vehicle to prevent operation
15 by the arrestee prior to issuance of a safe-release clearance, including at least one of
16 the following:

17 (a) Release the vehicle only to a sober, validly licensed owner or authorized
18 driver other than the arrestee.

19 (b) Cause the vehicle to be towed or stored pursuant to R.S. 32:1711 et seq.
20 or other applicable law or policy governing towing and storage.

21 (2) The arresting agency shall take custody of the ignition key or other
22 device necessary to operate the motor vehicle, unless the vehicle is released pursuant
23 to Subparagraph (1)(a) of this Subsection or is towed or stored pursuant to
24 Subparagraph (1)(b) of this Subsection.

25 F.(1) If the motor vehicle is a rental vehicle, the arresting agency shall make
26 reasonable efforts to notify the rental dealer, as soon as practicable, that the named
27 renter or driver has been arrested for an operating-while-impaired offense and shall
28 not be provided possession of the vehicle or key prior to a safe-release clearance.

Proposed law requires a custodial law enforcement agency to make a safe-release clearance determination before releasing a person arrested for operating a vehicle while impaired.

Proposed law requires a chemical test to determine blood alcohol content and a breath test before providing safe-release clearance.

Proposed law allows for safe-release clearance when no chemical test is available if the arrestee is held a minimum of eight hours and is medically sober.

Proposed law requires the custodial law enforcement agency to document the arrestee's planned means of transportation from the facility and allows the agency to require a separate person to provide transportation.

Proposed law provides for the towing and storing of vehicles used in an operating while impaired offense.

Proposed law requires the arresting agency to notify rental car dealers when a rental car is involved in an operating-while-impaired-offense.

Proposed law requires rental cars to be released only to the rental dealer or a sober person who is listed on the rental contract.

Proposed law provides for civil immunity.

Proposed law allows agencies to adopt standards, policies, and training guidance in accordance with the APA to implement proposed law.

(Adds R.S. 14:98.9)