

2026 Regular Session

SENATE BILL NO. 118

BY SENATOR BOUDREAUX

CRIME/PUNISHMENT. Provides for substance use disorder screening of all misdemeanor DUI offenders. (8/1/26)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 14:98.1(A)(1) and (A)(1)(b) and
3 the introductory paragraph of 98.2(A)(1) and (A)(1)(b) and to enact R.S. 14:98.1(D),
4 relative to driving offenses; to provide relative to first and second offenses of
5 operating a vehicle while impaired; to provide for probation conditions; to provide
6 for substance use disorder screening; to provide for diagnosis and treatment; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The introductory paragraph of R.S. 14:98.1(A)(1) and (A)(1)(b) and the
10 introductory paragraph of 98.2(A)(1) and (A)(1)(b) are hereby amended and reenacted and
11 R.S. 14:98.1(D) is hereby enacted to read as follows:

12 §98.1. Operating while impaired; first offense; penalties

13 A.(1) Except as modified by the provisions of Paragraphs (2) and (3) of this
14 Subsection, on a conviction of a first offense violation of R.S. 14:98, the offender
15 shall be fined not less than three hundred dollars nor more than one thousand dollars,
16 and shall be imprisoned for not less than ten days nor more than six months.
17 Imposition or execution of sentence under this Paragraph shall not be suspended

1 unless the offender is placed on probation with the minimum conditions that he
2 complete ~~all of~~ the following:

3 * * *

4 (b) Participate in a court-approved substance abuse program, which ~~may~~
5 **shall** include **a screening to determine if the offender is at risk for a substance**
6 **use disorder.**

7 **(i) The screening tool shall be evidence-based and validated specifically**
8 **for the impaired driving population.**

9 **(ii) The findings of the screening shall be confidential and shall be**
10 **reported directly to the court, the prosecuting attorney, and counsel for the**
11 **defendant.**

12 **(iii) If the substance use disorder screening indicates that the offender**
13 **is at risk of having a substance use disorder, the court may order** an assessment
14 **be performed** by a licensed clinician to determine if the offender has a ~~diagnosis of~~
15 substance ~~abuse~~ **use** disorder.

16 **(iv) Nothing herein in this Section** shall prohibit the court from modifying
17 ~~the~~ portions of the **substance abuse** program as may be applicable and appropriate
18 to an individual offender as shown by the assessment.

19 * * *

20 **D. This Section and R.S. 98.2 shall be known and may be cited as the**
21 **"Judge Jules Edwards Drunk Driving Protection Act".**

22 §98.2. Operating while impaired; second offense; penalties

23 A.(1) Except as modified by the provisions of Paragraphs (2), (3), and (4) of
24 this Subsection, or as provided by Subsection D of this Section, on a conviction of
25 a second offense violation of R.S. 14:98, regardless of whether the second offense
26 occurred before or after the first conviction, the offender shall be fined not less than
27 seven hundred fifty dollars nor more than one thousand dollars, and shall be
28 imprisoned for not less than thirty days nor more than six months. At least forty-
29 eight hours of the sentence imposed shall be served without benefit of parole,

1 probation, or suspension of sentence. Imposition or execution of the remainder of
2 sentence shall not be suspended unless the offender is placed on probation with the
3 minimum conditions that he complete ~~all of~~ the following:

4 * * *

5 (b) Participate in a court-approved substance abuse program, which ~~may~~
6 **shall** include **a screening to determine if the offender is at risk for a substance**
7 **use disorder.**

8 **(i) The screening tool shall be evidence-based and validated specifically**
9 **for the impaired driving population.**

10 **(ii) The findings of the screening shall be confidential and shall be**
11 **reported directly to the court, the prosecuting attorney, and counsel for the**
12 **defendant.**

13 **(iii) If the substance use disorder screening indicates that the offender**
14 **is at risk of having a substance use disorder, the court may order** an assessment
15 **be performed** by a licensed clinician to determine if the offender has a ~~diagnosis of~~
16 substance ~~abuse~~ **use** disorder.

17 **(iv)** Nothing in this Section shall prohibit the court from modifying ~~the~~
18 portions of the **substance abuse** program as may be applicable and appropriate to
19 an individual offender as shown by the assessment.

20 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SB 118 Original DIGEST 2026 Regular Session Boudreaux

Present law relative to the offense of operating while impaired uses the term "substance abuse disorder".

Proposed law changes "substance abuse disorder" to "substance use disorder".

Present law provides that a person who is convicted for a first or second offense of operating a vehicle while impaired and who had a blood alcohol content (BAC) that was between .08 and .15 percent by weight based on grams of alcohol per 100 cubic centimeters of blood at the time the offense was committed will be imprisoned for not less than 10 days nor more

than six months, without suspension of sentence, unless the offender is placed on probation that includes the following minimum conditions:

- (1) Serve 48 hours in jail without suspension of sentence, or in lieu thereof, perform no less than 32 hours of community service with at least half of the hours consisting of litter abatement or collection.
- (2) Participate in a substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing in present law may prohibit the court from modifying portions of the substance abuse program that are applicable and appropriate to an individual offender as indicated by the assessment.
- (3) Participate in a driver improvement program.
- (4) Not operate a motor vehicle during his probation period, for no less than six months, unless it is equipped with a functioning ignition interlock device. This does not apply to a vehicle operated by the offender during his participation in a driver improvement program.

Proposed law provides that a substance abuse program must include a screening to determine if the offender is at risk for a substance use disorder. Proposed law further provides that the screening must be evidence-based and validated specifically for the impaired driving population. Proposed law further provides that if the screening indicates that the offender is at risk for a substance use disorder, the court may order that an assessment be performed by a licensed clinician to determine if the offender has a substance use disorder.

Proposed law also provides that the mandatory screening will be confidential and reported directly to the court, the prosecuting attorney, and the offender's attorney.

Proposed law otherwise retains present law.

Proposed law will be known and can be cited as the "Judge Jules Edwards Drunk Driving Prevention Act".

Effective August 1, 2026.

(Amends R.S. 14:98.1(A)(1)(intro para) and (A)(1)(b) and 98.2(A)(1)(intro para) and (A)(1)(b); adds R.S. 14:98.1(D))