

2026 Regular Session

HOUSE BILL NO. 552

BY REPRESENTATIVE BRYANT

DWI: Provides relative to driving while intoxicated

1 AN ACT

2 To amend and reenact R.S. 13:1894.1(A) and (B) and 1894.2(A)(introductory paragraph),
3 R.S. 32:662.1, and Code of Criminal Procedure Article 814(A)(9) and (10), relative
4 to driving while intoxicated or impaired; to add "impaired" to certain provisions of
5 law regarding intoxication; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1894.1(A) and (B) and 1894.2(A)(introductory paragraph) are
8 hereby amended and reenacted to read as follows:

9 §1894.1. Driving while intoxicated or impaired; prosecutions for violation required
10 to be filed under general state law; city and municipal courts

11 A. Notwithstanding any other provision of law to the contrary, prosecutions
12 in any city, parish, or municipal court based on or arising out of the operation of a
13 vehicle by a person while intoxicated or impaired may be charged and prosecuted
14 ~~under~~ pursuant to the provisions of R.S. 14:98 or under any applicable city, parish,
15 or municipal ordinance that incorporates the standards, elements, and sentences of
16 the offense of driving while intoxicated or impaired contained in R.S. 14:98. Any
17 conviction for a first or second offense or the entry of a plea of guilty and sentence
18 based on such plea or the forfeiture of bail of any person having been charged with
19 a first or second violation of R.S. 14:98 in any such city, parish, or municipal court

1 shall be punishable in accordance with the provisions of R.S. 14:98(D)(1) or (2),
 2 whichever is applicable. Any conviction for a first or second offense or the entry of
 3 a plea of guilty and sentence based on such plea or the forfeiture of bail of any
 4 person having been charged with a first or second violation of the applicable city,
 5 parish, or municipal ordinance in any such city, parish, or municipal court shall be
 6 punishable in accordance with the provisions of the ordinance and shall constitute
 7 a conviction ~~under~~ pursuant to R.S. 14:98 for purposes of determining the number
 8 of prior convictions in a proceeding under R.S. 14:98.

9 B. For purposes of this Section, all city, parish, and municipal courts shall
 10 have concurrent jurisdiction with the district courts over violations otherwise subject
 11 to their jurisdiction provided for by R.S. 14:98, except in those cases wherein the
 12 person or defendant is charged as a third or subsequent offender under the provisions
 13 of R.S. 14:98(D)(3) or (D)(4), whichever is applicable. If the charge is for a third or
 14 subsequent offense, the prosecution shall be had only in the district court and the
 15 defendant shall have the right to a trial by jury. However, mayors' courts shall have
 16 no jurisdiction whatsoever over violations as provided for by R.S. 14:98, nor to the
 17 trial of offenses against municipal ordinances relative to prosecutions on charges of
 18 driving while intoxicated or impaired.

19 * * *

20 §1894.2. Additional costs; certain violations

21 A. Notwithstanding any other provision of law to the contrary, and in
 22 addition to any fines, forfeitures, costs, or penalties, a person convicted of a felony,
 23 a misdemeanor, or a violation of local ordinance, including a traffic felony,
 24 misdemeanor, or local traffic violation, shall be assessed an additional cost in any
 25 matter where the use of alcohol was a factor involved in the commission of a crime.
 26 Any court that designates by rule, divisions, or sections of the court as a specialized
 27 division or section having subject matter jurisdiction for alcohol related offenses
 28 including driving while intoxicated or impaired, shall assess the following costs:

29 * * *

1 Section 2. R.S. 32:662.1 is hereby amended and reenacted to read as follows:

2 §662.1. Admissibility

3 In all criminal cases where intoxication or impairment is an issue, any
4 certificate or writing made in accordance with the provisions of R.S. 32:663,
5 including but not limited to intoxilyzer instrument recertification forms, and other
6 certificates or writings made with respect to the chemical analyses of a person's
7 blood, urine, breath, or other bodily substance, shall be admissible as evidence.

8 Section 3. Code of Criminal Procedure Article 814(A)(9) and (10) are hereby
9 amended and reenacted to read as follows:

10 Art. 814. Responsive verdicts; in particular

11 A. The only responsive verdicts which may be rendered when the indictment
12 charges the following offenses are:

13 * * *

14 9. Vehicular negligent injuring:

15 Guilty.

16 Guilty of negligent injuring.

17 Guilty of operating a vehicle while intoxicated or impaired.

18 Not guilty.

19 10. First degree vehicular negligent injuring:

20 Guilty.

21 Guilty of vehicular negligent injuring.

22 Guilty of negligent injuring.

23 Guilty of operating a vehicle while intoxicated or impaired.

24 Not Guilty.

25 * * *

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 552 Reengrossed

2026 Regular Session

Bryant

Abstract: Adds "impaired" to certain statutory references to "intoxicated" in cases involving motor vehicles.

Present law provides that any prosecution in a city, parish, or municipal court based on the operation of a vehicle by a person while intoxicated may be charged and prosecuted under present law (R.S. 14:98) or any city, parish, or municipal law that incorporates the same elements and sentences.

Present law provides for additional fines for certain crimes when the use of alcohol is a factor involved in the commission of the crime.

Present law allows certain certificates or writing to be admissible as evidence in all criminal cases when intoxication is an issue.

Present law provides for the responsive verdicts which may be made for certain offenses, including but not limited to "vehicular negligent injuring" and "first degree vehicular negligent injuring".

Proposed law adds "or impaired" to "intoxicated" where it appears in above present law.

(Amends R.S. 13:1894.1(A) and (B) and 1894.2(A)(intro. para.), R.S. 32:662.1, and C.Cr.P. Art. 814(A)(8) and (9))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.