

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)(introductory paragraph), 98.3(A)(1) and (C), and  
3 98.4(A)(1), (C), and (D) and to enact R.S. 14:98.3(D) and 98.4(E), relative to driving  
4 while intoxicated; to provide enhanced penalties for offenders with previous driving-  
5 related offenses; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

10 §98.2. Operating while impaired; second offense; penalties

11 \* \* \*

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

1 or suspension of ~~sentence except~~ sentence. Except in compliance with R.S.  
2 14:98.5(B)(1), the mandatory minimum sentence ~~cannot~~ shall not be served on home  
3 incarceration.

4 \* \* \*

5 §98.3. Operating while impaired; third offense; penalties

6 A.(1) Except as provided in ~~Subsection B~~ Subsections B and C of this  
7 Section, on a conviction of a third offense violation of R.S. 14:98, regardless of  
8 whether the third offense occurred before or after a previous conviction, the offender  
9 shall be fined two thousand dollars and shall be imprisoned, with or without hard  
10 labor, for not less than one year nor more than five years. Except as provided in  
11 Paragraph (2) of this Subsection, at least one year of the sentence imposed shall be  
12 served without benefit of parole, probation, or suspension of sentence. Except in  
13 compliance with R.S. 14:98.5(B)(1), the mandatory minimum sentence cannot be  
14 served on home incarceration.

15 \* \* \*

16 C.(1) If the offender has previously been convicted for the crime of vehicular  
17 homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S.  
18 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, or  
19 an equivalent law or laws of any state, then on a conviction of a third or subsequent  
20 offense violation of R.S. 14:98, notwithstanding any other provision of law to the  
21 contrary and regardless of whether the offense occurred before or after an earlier  
22 conviction, the offender shall be fined two thousand dollars and imprisoned, with or  
23 without hard labor, for not less than five nor more than fifteen years. At least five  
24 years of the sentence imposed shall be served without benefit of parole, probation,  
25 or suspension of sentence. Except in compliance with R.S. 14:98.5(B)(1), the  
26 mandatory minimum sentence shall not be served on home incarceration.

27 (2) Except where inconsistent with the provisions of this Subsection, the  
28 conditions of probation include but are not limited to the conditions of probation  
29 provided by Paragraph (A)(3) of this Section, except that the offender shall not be





(Amends R.S. 14:98.2 (D)(intro. para.), 98.3(A)(1) and (C), and 98.4(A)(1), (C), and (D); Adds R.S. 14:98.3(D) and 98.4(E))

Summary of Amendments Adopted by House

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

1. Change the minimum penalty from twelve months to twelve years with respect to a fourth offense of driving under the influence as described for in proposed law.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Adds exceptions to present law penalties for certain subsequent offenses if proposed law applies.
2. Make technical changes.