

**ACT No. 117**

2026 Regular Session

HOUSE BILL NO. 82

BY REPRESENTATIVE VILLIO

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

14   \*       \*       \*

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

26                           (2) Except where inconsistent with the provisions of this Subsection, the  
27          conditions of probation include but are not limited to the conditions of probation  
28          provided by Paragraph (A)(3) of this Section, except that the offender shall not be  
29          sentenced to substance abuse treatment provided for by Items (A)(3)(b)(i) and (ii)  
30          of this Section. Nothing in this Section prohibits the court from ordering substance

1 abuse treatment if it determines that the offender is able to pay for the substance  
2 abuse treatment.

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

7 §98.4. Operating while impaired; fourth offense; penalties

8 A.(1) Except as modified by Subparagraphs (a) and (b) of this Paragraph, or  
9 as provided by Subsections ~~B and C~~ B, C, and D of this Section, on a conviction of  
10 a fourth or subsequent offense violation of R.S. 14:98, regardless of whether the  
11 fourth offense occurred before or after an earlier conviction, the offender shall be  
12 fined five thousand dollars and imprisoned, with or without hard labor, for not less  
13 than ten years nor more than thirty years. Two years of the sentence of  
14 imprisonment shall be imposed without benefit of parole, probation, or suspension  
15 of sentence. Except in compliance with R.S. 14:98.5(B)(1), the mandatory minimum  
16 sentence cannot be served on home incarceration.

17 \* \* \*

18 C. If the offender has previously been convicted for the crime of vehicular  
19 homicide in violation of R.S. 14:32.1, third degree feticide in violation of R.S.  
20 14:32.8, or first degree vehicular negligent injuring in violation of R.S. 14:39.2, or  
21 an equivalent law or laws of any state, then on a conviction of a fourth or subsequent  
22 offense violation of R.S. 14:98, notwithstanding any other provision of law to the  
23 contrary and regardless of whether the offense occurred before or after an earlier  
24 conviction, the offender shall be fined five thousand dollars and imprisoned, with or  
25 without hard labor, for not less than twelve years nor more than thirty years. No part  
26 of the sentence shall be imposed with benefit of parole, probation, or suspension of  
27 sentence, and no portion of the sentence shall be imposed concurrently with the  
28 remaining balance of any sentence to be served for a prior conviction for any  
29 offense.

1           ~~€~~ D. If the offender has previously received the benefit of parole, probation,  
2           or suspension of sentence on a conviction of a fourth or subsequent offense violation  
3           of R.S. 14:98, then on a subsequent conviction of a fourth or subsequent offense,  
4           notwithstanding any other provision of law to the contrary and regardless of whether  
5           the offense occurred before or after an earlier conviction, the offender shall be fined  
6           five thousand dollars and imprisoned at hard labor for not less than ten nor more than  
7           thirty years. No part of the sentence shall be imposed with benefit of parole,  
8           probation, or suspension of sentence, and no portion of the sentence shall be imposed  
9           concurrently with the remaining balance of any sentence to be served for a prior  
10          conviction for any offense.

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

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_