

ACT No. 890

HOUSE BILL NO. 1234 (Substitute for House Bill No. 84 by Representative Knox)

BY REPRESENTATIVES KNOX, BAYHAM, BERAULT, BOUDREAUX, BOYD, CARVER, CHASSION, DEWITT, DICKERSON, EGAN, FISHER, FREEMAN, FREIBERG, DANA HENRY, JACKSON, JORDAN, LACOMBE, LAFLEUR, LARVADAIN, LYONS, MACK, MARTINEZ, MURRAY, PHELPS, SCHLEGEL, SPELL, STAGNI, TAYLOR, VILLIO, WALTERS, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 14:100(C)(2) and (3), relative to driving offenses; to provide
3 relative to the crime of hit-and-run driving; to provide relative to pedestrians and
4 bicyclists; to provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:100(C)(2) and (3) are hereby amended and reenacted to read as
7 follows:

8 §100. Hit-and-run driving

9 * * *

10 C.

11 * * *

12 (2)(a) Whoever commits the crime of hit-and-run driving when death or
13 serious bodily injury is a direct result of the accident, when the driver knew or should
14 have known that death or serious bodily injury has occurred, and the driver's vehicle
15 was directly involved in the accident, shall be fined not more than five thousand
16 dollars or imprisoned with or without hard labor for not less than two years nor more
17 than ten years, two of which shall be served without the benefit of parole, probation,
18 or suspension of sentence, or both.

19 (b) If the victim is a pedestrian or a bicyclist, at least two years of the
20 sentence imposed shall be served without the benefit of parole, probation, or
21 suspension of sentence.

22 (3)(a) Whoever commits the crime of hit-and-run driving, where all of the
23 following conditions are met, shall be imprisoned, with or without hard labor, for not
24 less than five years nor more than twenty years:

1 (a) (i) Death or serious bodily injury is a direct result of the accident.

2 (b) (ii) The driver knew or ~~must~~ should have known that the vehicle he was
3 operating was involved in an accident or that his operation of the vehicle was the
4 direct cause of an accident.

5 (c) (iii) The driver had been previously convicted of any of the following:

6 (i) (aa) A violation of R.S. 14:98, or a law or an ordinance of any state or
7 political subdivision prohibiting operation of any vehicle or means of transportation
8 or conveyance while intoxicated, impaired, or while under the influence of alcohol,
9 drugs, or any controlled dangerous substance on two or more occasions within ten
10 years of this offense.

11 (ii) (bb) A violation of R.S. 14:32.1~~-vehicular homicide.~~ (vehicular
12 homicide)

13 (iii) (cc) A violation of R.S. 14:39.1~~-vehicular negligent injuring.~~ (vehicular
14 negligent injuring)

15 (iv) (dd) A violation of R.S. 14:39.2~~-first degree vehicular negligent injuring.~~
16 (first degree vehicular negligent injuring)

17 (b) If the victim is a pedestrian or a bicyclist, at least five years of the
18 sentence imposed shall be served without the benefit of parole, probation, or
19 suspension of sentence.

20 Section 2. This Act shall be cited and referred to as the "Christina Larsen Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____