

2018 Regular Session

HOUSE BILL NO. 184

BY REPRESENTATIVE LEGER

DWI: Provides relative to costs assessed for violations of driving while intoxicated

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 887(C), relative to operating a  
3 vehicle while intoxicated; to provide relative to special costs assessed for convictions  
4 of operating a vehicle while intoxicated; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 887(C) is hereby amended and  
7 reenacted to read as follows:

8 Art. 887. Defendant's liability for costs; suspension of costs; no advance costs

9 \* \* \*

10 C. In addition to the costs provided in Paragraph A of this Article, a person  
11 convicted of a violation of R.S. 14:98, ~~R.S. 14:98.1~~ or 98.1, or of any municipal or  
12 parochial ordinance defining the offense of operating a motor vehicle, aircraft,  
13 watercraft, vessel, or other motorized means of conveyance under the influence of  
14 alcohol or drugs, who was subjected to a blood, breath, or urine analysis for alcohol  
15 or any controlled dangerous substance listed in R.S. 40:964, Schedule I, II, III, IV,  
16 or V, shall be assessed an additional ~~seventy-five~~ one hundred fifty dollars as special  
17 costs. Such costs shall be paid in the following manner: ~~twenty-five~~ seventy-five  
18 dollars to the governing authority owning the instrument used to perform the  
19 analysis, and ~~fifty~~ seventy-five dollars to the governing authority whose agency  
20 performed the analysis. If the office of state police performed or participated in a

1 blood, breath, or urine analysis for which these costs are assessed, that portion of the  
 2 costs applicable to the office of state police shall be forwarded to the applied  
 3 technology unit within the office of state police and forwarded for disposition in  
 4 accordance with R.S. 40:1379.7. In the event the person is unable to pay the fine  
 5 when assessed, the court may allow payment within certain time limits, based on the  
 6 person's ability to pay such costs.

7 \* \* \*

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 184 Reengrossed

2018 Regular Session

Leger

**Abstract:** Increases special costs assessed for persons convicted of a DWI offense.

Present law provides that a person convicted of a DWI violation who was subjected to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance shall be assessed an additional \$75 as special costs to be paid as follows:

- (1) \$25 to the governing authority owning the instrument used to perform the analysis.
- (2) \$50 to the governing authority whose agency performed the analysis.

Proposed law increases the special costs from \$75 to \$150, with \$75 paid to the governing authority owning the instrument and \$75 paid to the governing authority who performed the analysis.

(Amends C.Cr.P. Art. 887(C))

Summary of Amendments Adopted by House

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

- 1. Remove proposed law provision that requires persons placed in a pretrial diversion program for a DWI offense who submitted to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance to be assessed special costs of \$150.
- 2. Restore present law which provides that the special cost is assessed upon the person convicted of a DWI offense who was subjected to a blood, breath, or urine analysis for alcohol or any controlled dangerous substances.