

RÉSUMÉ DIGEST

ACT 212 (SB 118)

2026 Regular Session

Boudreaux

Existing law relative to the offense of operating while impaired uses the term "substance abuse disorder".

New law changes "substance abuse disorder" to "substance use disorder".

Existing law provides that a person convicted for a first or second offense of operating a vehicle while impaired and who had a blood alcohol content (BAC) that was between .08 and .15 percent by weight based on grams of alcohol per 100 cubic centimeters of blood at the time the offense was committed will be imprisoned for between 10 days and six months without suspension of sentence unless the offender is placed on probation that includes the following minimum conditions:

- (1) Serve 48 hours in jail without suspension of sentence, or in lieu thereof, perform no less than 32 hours of community service with at least half of the hours consisting of litter abatement or collection.
- (2) Participate in a substance abuse program, which may include an assessment by a licensed clinician to determine if the offender has a diagnosis of substance abuse disorder. Nothing in present law may prohibit the court from modifying portions of the substance abuse program that are applicable and appropriate to an individual offender as indicated by the assessment.
- (3) Participate in a driver improvement program.
- (4) Not operate a motor vehicle during the probation period for at least six months unless it is equipped with a functioning ignition interlock device, which does not apply to a vehicle operated by the offender during his participation in a driver improvement program.

New law provides that a substance abuse program must include a screening to determine if the offender is at risk for a substance use disorder. New law further provides that the screening must be evidence-based and validated specifically for the impaired driving population. New law further provides that if the screening indicates that the offender is at risk for a substance use disorder, the court may order that an assessment be performed by a licensed clinician to determine if the offender has a substance use disorder. New law further provides that the mandatory screening will be confidential and reported directly to the court, the prosecuting attorney, and the offender's attorney.

New law otherwise retains existing law.

New law will be known and can be cited as the "Judge Jules Edwards, III Impaired Driving Prevention Act".

Effective August 1, 2026.

(Amends R.S. 14:98.1(A)(1)(intro para) and (A)(1)(b) and 98.2(A)(1)(intro para) and (A)(1)(b); adds R.S. 14:98.1(D))