DIGEST

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White HB No. 638

**Abstract:** Provides for the suspension of drivers' licenses upon arrest for vehicular homicide when chemical tests indicate the presence of alcohol or other substances.

Proposed law establishes a procedure for seizure of a driver's license upon arrest of a person for vehicular homicide as follows:

(1) The officer shall seize the driver's license of a person under arrest and shall issue in its place a temporary receipt of license on a form approved by the Dept. of Public Safety and Corrections. The temporary receipt shall authorize the person to whom it has been issued to operate a motor vehicle upon the public highways of this state for a period not to exceed 30 days from the date of arrest or until the hearing can be conducted, whichever occurs first.

(2) The temporary receipt shall serve as notice to the person under arrest that he has 15 days from the date of arrest to make a written request to the court for a contradictory hearing.

Proposed law provides that if a written request is not made within the 15-day period, the person's license shall be suspended for one year, without benefit of eligibility for a hardship license.

Proposed law provides that upon receipt of a request for a contradictory hearing, the court shall issue a document extending the temporary license, which shall remain in effect until the completion of the suspension proceedings.

Proposed law provides that the court shall conduct a contradictory hearing limited to determining whether a chemical test has been performed of the blood, urine, or other bodily substance of the person arrested and whether that test indicates the presence of alcohol, an abused substance, a controlled dangerous substance, or any other substance which causes impairment.

Proposed law provides that if the court makes those determinations, then the court shall suspend the driver's license of any person arrested for a violation of vehicular homicide for one year, without benefit of a hardship license.

Proposed law provides that if the person is convicted of the crime of vehicular homicide, his license shall be suspended for a period of two years following his release from incarceration with credit for the time in which the license was suspended prior to conviction.

Proposed law provides that if the charge of vehicular homicide does not result in a conviction, plea of guilty, or bond forfeiture, the person charged shall have his license immediately reinstated and shall not be required to pay any reinstatement fee if, at the time for reinstatement of driver's license, it can be shown that the criminal charges have been dismissed, there has been a permanent refusal to charge a crime by the appropriate prosecutor, or there has been an acquittal.

(Adds R.S. 32:667.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added provision clarifying that the scope of the hearing conducted by the district court is limited to whether a chemical test was conducted and whether the test indicated the presence of a substance which causes impairment.

2. Clarified that if the court determines the presence of a substance which causes impairment, then the court shall suspend the driver's license of a person arrested for vehicular homicide for one year.