

Regular Session, 2012

HOUSE BILL NO. 47

BY REPRESENTATIVE MACK

DWI: Provides for a minimum mandatory jail sentence for certain DWI offenses

1 AN ACT

2 To amend and reenact R.S. 14:98(C)(1)(introductory paragraph) and to enact R.S.
3 14:98(C)(4), relative to operating a vehicle while intoxicated; to provide for a
4 minimum mandatory prison sentence and treatment for certain offenses of operating
5 a vehicle while intoxicated; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:98(C)(1)(introductory paragraph) is hereby amended and
8 reenacted and R.S. 14:98(C)(4) is hereby enacted to read as follows:

9 §98. Operating a vehicle while intoxicated

10 * * *

11 C.(1) On a conviction of a second offense, notwithstanding any other
12 provision of law to the contrary except as provided in ~~Paragraph~~ Paragraphs (3) and
13 (4) of this Subsection, regardless of whether the second offense occurred before or
14 after the first conviction, the offender shall be fined not less than seven hundred fifty
15 dollars, nor more than one thousand dollars, and shall be imprisoned for not less than
16 thirty days nor more than six months. At least forty-eight hours of the sentence
17 imposed shall be served without benefit of parole, probation, or suspension of
18 sentence. Nothing herein shall prohibit a court from sentencing a defendant to home
19 incarceration, if otherwise allowed under the provisions of Article 894.2 of the Code

1 of Criminal Procedure. Imposition or execution of the remainder of the sentence
2 shall not be suspended unless:

3 * * *

4 (4) Notwithstanding the provisions of Paragraph (1) of this Subsection, on
5 a conviction of a second offense when the arrest for the second offense occurs within
6 one year of the conviction of the first offense, the offender shall be imprisoned with
7 or without hard labor for thirty days without benefit of parole, probation, or
8 suspension of sentence and shall participate in a court-approved substance abuse
9 program and in a court-approved driver improvement program.

10 * * *

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)]

Mack

HB No. 47

Abstract: Provides for a minimum mandatory prison sentence of 30 days on a conviction of a second offense DWI when the arrest for the second offense occurs within one year of the first DWI conviction.

Present law provides that on a conviction of a second offense DWI, the offender shall be fined \$750 to \$1,000, and shall be imprisoned for 30 days to six months with at least 48 hours of the sentence imposed to be served without benefit of parole, probation, or suspension of sentence.

Proposed law retains present law and provides that if the arrest for the second offense occurs within one year of the conviction of the first offense, the offender shall be imprisoned for 30 days without benefit of parole, probation, or suspension of sentence and the offender shall participate in a substance abuse program and in a driver improvement program.

(Amends R.S. 14:98(C)(1)(intro.para.); Adds R.S. 14:98(C)(4))

Summary of Amendments Adopted by House

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

1. Decreased the minimum mandatory sentence in proposed law from six months to 30 days.
2. Added provision requiring the offender sentenced pursuant to the provisions of proposed law to participate in substance abuse and driver improvement programs.