

Regular Session, 2012

HOUSE BILL NO. 781

BY REPRESENTATIVE PYLANT

DWI: Authorizes the use of multiple chemical tests

1 AN ACT

2 To amend and reenact R.S. 32:666(A)(1)(a)(i), relative to chemical tests for suspected
3 drunken drivers; to provide for the administration of multiple chemical tests; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:666(A)(1)(a)(i) is hereby amended and reenacted to read as
7 follows:

8 §666. Refusal to submit to chemical test; submission to chemical tests; exception;
9 effects of

10 A.(1)(a)(i) When a law enforcement officer has probable cause to believe
11 that a person has violated R.S. 14:98, ~~R.S. 14:98.1~~, or any other law or ordinance that
12 prohibits operating a vehicle while intoxicated, that person may not refuse to submit
13 to a chemical test, or tests, if he has refused to submit to such test, or tests, on two
14 previous and separate occasions of any previous such violation or in any case
15 wherein a fatality has occurred or a person has sustained serious bodily injury in a
16 crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of
17 conveyance. Serious bodily injury means bodily injury which involves
18 unconsciousness, protracted and obvious disfigurement, or protracted loss or
19 impairment of the function of a bodily member, organ, or mental faculty, or a
20 substantial risk of death. The law enforcement officer shall direct that a chemical

1 test, ~~or tests~~, be conducted of a person's blood, urine, or other bodily substance, or
2 perform a chemical test of such person's breath, for the purpose of determining the
3 alcoholic content of his blood and the presence of any abused substance or controlled
4 substance as set forth in R.S. 40:964 in his blood in such circumstances. The officer
5 may direct a person to submit to a breath test, and if indicated, an additional blood
6 test for the purpose of testing for the presence of alcohol, abused substances, and
7 controlled dangerous substances. A refusal of any such test, or tests, shall result in
8 the suspension of driving privileges as provided by the provisions of this Part. A
9 physician, physician assistant, registered nurse, emergency medical technician,
10 chemist, nurse practitioner, or other qualified technician shall perform a chemical
11 test in accordance with the provisions of R.S. 32:664 when directed to do so by a law
12 enforcement officer.

13 * * *

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)]

Pylant

HB No. 781

Abstract: Provides relative to the administration of multiple chemical tests for suspected drunken drivers.

Present law provides that when a law enforcement officer has probable cause to believe that a person has operated a vehicle while intoxicated, that person may not refuse to submit to a chemical test if he has refused to submit to such test on two previous and separate occasions of any previous such violation or in any case wherein a fatality has occurred or a person has sustained serious bodily injury.

Proposed law authorizes the administration of an additional blood test for suspected drunken drivers. Provides that a refusal of such test or tests shall result in the suspension of driving privileges.

(Amends R.S. 32:666(A)(1)(a)(i))

Summary of Amendments Adopted by House

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

1. Amended provision relative to the administration of additional chemical tests to exclude urine tests.