

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), (2)(introductory paragraph), and (3), relative  
3 to chemical tests for suspected drunken drivers; to provide for the administration of  
4 multiple chemical tests; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:666(A)(1)(a)(i), (2)(introductory paragraph), and (3) are hereby  
7 amended and reenacted to read as 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 the  
 8 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 \* \* \*

14 (2) In all cases other than those in Paragraph (1) of this Subsection, a person  
 15 under arrest for a violation of R.S. 14:98, ~~R.S. 14:98.1~~, or other law or ordinance that  
 16 prohibits operating a vehicle while intoxicated may refuse to submit to such  
 17 chemical test or tests, after being advised of the consequences of such refusal as  
 18 provided for in R.S. 32:661(C), subject to the following:

19 \* \* \*

20 (3) In all cases where a person is under arrest for a violation of R.S. 14:98,  
 21 ~~R.S. 14:98.1~~, or other law or ordinance that prohibits operating a vehicle while  
 22 intoxicated who refuses to submit to a chemical test or tests if he has refused to  
 23 submit to a chemical test on two previous and separate occasions of any previous  
 24 such violation shall be advised that the consequences of such refusal shall be subject  
 25 to criminal penalties under the provisions of R.S. 14:98.2.

26 \* \* \*

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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)]

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Pylant

HB No. 781

**Abstract:** Provides relative to the administration of multiple chemical tests for suspected drunken drivers and persons under arrest for offenses involving the operation of a vehicle while intoxicated.

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.

Present law further provides that when a person is under arrest for a violation of operating a vehicle while intoxicated, that person may refuse to submit to a chemical test, after being advised of the consequences of his refusal.

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), (2)(intro. para.), and (3))

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.

House Floor Amendments to the engrossed bill.

1. Added language to amend present law provisions regarding a person's refusal to submit to a chemical test when that person has been arrested for an offense involving operation of a vehicle while intoxicated.