

Regular Session, 2012

HOUSE BILL NO. 47

BY REPRESENTATIVE MACK

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

22 * * *

23 (4) Notwithstanding the provisions of Paragraph (1) of this Subsection, on
24 a conviction of a second offense when the arrest for the second offense occurs within

