

2018 Regular Session

HOUSE BILL NO. 525

BY REPRESENTATIVE BAGNERIS

DWI: Provides relative to the crime of operating a vehicle while intoxicated

1 AN ACT

2 To amend and reenact R.S. 14:98.1(A)(1)(introductory paragraph) and (d) and 98.5(C) and
3 R.S. 32:378.2(A), relative to operating a vehicle while intoxicated; to provide
4 relative to persons placed on probation for a first offense; to prohibit the operation
5 of a motor vehicle by certain persons; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:98.1(A)(1)(introductory paragraph) and (d) and 98.5(C) are
8 hereby amended and reenacted to read as follows:

9 §98.1. Operating while intoxicated; first offense; penalties

10 A.(1) Except as ~~modified by the provisions of~~ provided in Paragraphs (2) and
11 (3) of this Subsection, on a conviction of a first offense violation of R.S. 14:98, the
12 offender shall be fined not less than three hundred dollars nor more than one
13 thousand dollars, and shall be imprisoned for not less than ten days nor more than six
14 months. Imposition or execution of sentence under this Paragraph shall not be
15 suspended unless the offender is placed on probation with the minimum conditions
16 that he complete all of the following:

17 * * *

18 (d) ~~Except as provided by Subparagraph (3)(c) of this Subsection, the court~~
19 ~~may order that the offender not~~ Not operate a motor vehicle during the period of
20 probation, or such shorter time as set by the court, unless ~~any~~ the vehicle, while

1 being operated by the offender, is equipped with a functioning ignition interlock
2 device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2.

3 * * *

4 §98.5. Special provisions and definitions

5 * * *

6 C.(1) Any plea agreement reached by the parties for an offense of operating
7 a motor vehicle while intoxicated in violation of R.S. 14:98 shall include a
8 prohibition that the offender not operate a motor vehicle, unless the vehicle is
9 equipped with a functioning ignition interlock device in compliance with the
10 provisions of this Section, R.S. 15:306, and R.S. 32:378.2. The period of time that
11 the offender is restricted from operating a motor vehicle pursuant to the provisions
12 of this Paragraph shall be agreed upon by the parties, but in no case shall the period
13 of time be less than six months.

14 ~~(1)~~(2) No offender who is ordered to install an ignition interlock device as
15 a condition of probation, or pursuant to a plea agreement as set forth by the
16 provisions of this Subsection, shall:

17 (a) Fail to comply with all applicable provisions of R.S. 15:306 and 307 and
18 R.S. 32:378.2 and 414(D)(1)(b).

19 (b) Violate the conditions of his restricted driver's license as set by the
20 Department of Public Safety and Corrections.

21 (c) Operate, rent, lease, or borrow a motor vehicle unless that vehicle is
22 equipped with a functioning ignition interlock device.

23 (d) Request or solicit any other person to blow into an ignition interlock
24 device or to start a motor vehicle equipped with the device for the purpose of
25 providing the offender with an operable motor vehicle.

26 ~~(2)~~(3) If the court imposes the use of an ignition interlock device as a
27 condition of probation, the offender shall provide proof of compliance to the court
28 or the probation officer within thirty days. If the offender fails to provide proof of
29 installation within that period, absent a finding by the court of good cause for the

such shorter time as set by the court, unless the vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device.

Proposed law also provides that any plea agreement reached by the parties for a DWI offense shall include a requirement that the offender not operate a motor vehicle, unless the vehicle is equipped with a functioning ignition interlock device in compliance with the provisions of present law which provides that:

- (1) No offender who is ordered to install an ignition interlock device shall:
 - (a) Violate the conditions of his restricted driver's license as set by the Dept. of Public Safety and Corrections.
 - (b) Operate, rent, lease, or borrow a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device.
 - (c) Request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the offender with an operable motor vehicle.
- (2) If the court imposes the use of an ignition interlock device as a condition of probation, the offender shall provide proof of compliance to the court or the probation officer within thirty days. Failure to provide such proof without good cause shall result in revocation of the offender's probation.
- (3) The person shall have the system on his vehicle monitored by the manufacturer for proper use.

Proposed law provides that the period of time that the offender is restricted from operating a motor vehicle pursuant to these provisions of proposed law shall be agreed upon by the parties, but in no case shall the period of time be less than six months.

(Amends R.S. 14:98.1(A)(1)(intro. para.) and (d) and 98.5(C) and R.S. 32:378.2(A))