

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), relative to operating a
3 vehicle while intoxicated; to increase the fines imposed for a first offense of
4 operating a vehicle while intoxicated; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:98.1(A)(1)(introductory paragraph) is hereby amended and
7 reenacted to read as follows:

8 §98.1. Operating while intoxicated; first offense; penalties

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

16 * * *

 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)]

HB 525 Reengrossed

2018 Regular Session

Bagneris

Abstract: Increases the minimum fine imposed for a first offense of operating a vehicle while intoxicated.

Present law provides that any person convicted of a first offense of operating a vehicle while intoxicated (DWI) shall be fined not less than \$300 nor more than \$1,000, and shall be imprisoned for not less than ten days nor more than six months. Further provides that imposition or execution of this sentence shall not be suspended unless the offender is placed on probation with the minimum conditions that he complete certain requirements.

Proposed law increases the minimum fine for a first offense DWI from \$300 to \$500.

(Amends R.S. 14:98.1(A)(1)(intro. para.))

Summary of Amendments Adopted by House

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

1. Restore present law relative to a first offense penalty for a DWI.
2. Require rather than authorize the court to order that the offender not operate a motor vehicle during the period of probation, or shorter time set by the court, unless the vehicle is equipped with a functioning ignition interlock device in compliance with present law.
3. Remove proposed law relative to any plea agreement reached by the parties for a DWI offense.
4. Add changes to present law which have the effect of eliminating the 30-day waiting period for persons who submit to a test and show a BAC of 0.08 or above and the 90-day waiting period for those persons who refuse the chemical test for intoxication.
5. Add that any licensee who fails a chemical test with a BAC of 0.08 or above or 0.02 or above if the licensee was under 21 years of age or a person who refuses a chemical test is required to have an ignition interlock device as a condition of their restricted driver's license.
6. Increase the time period from five years to 10 years within which second and subsequent violations occur for the 365 days of suspension of driving privileges.

The House Floor Amendments to the engrossed bill:

1. Remove all proposed law changes to provisions regarding a first offense DWI.
2. Increase the minimum fine for a first offense DWI from \$300 to \$500.
3. Remove proposed law provisions that provide relative to the following:

- (a) Installation of ignition interlock devices.
- (b) Waiting periods for persons to apply to receive a restricted driver's license.
- (c) Suspension of driving privileges for a second or subsequent violation.