

SENATE BILL NO. 55

BY SENATORS KOSTELKA, DORSEY-COLOMB AND WALSWORTH (On Recommendation of Law Institute)

1 AN ACT

2 To enact R.S. 14:2(B)(45) and 32.1(C), relative to crimes of violence; to add vehicular
3 homicide to the list of crimes of violence; to provide relative to penalties for
4 vehicular homicide; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:2(B)(45) and 32.1(C) are hereby enacted to read as follows:

7 §2. Definitions

8 * * *

9 B. In this Code, "crime of violence" means an offense that has, as an element,
10 the use, attempted use, or threatened use of physical force against the person or
11 property of another, and that, by its very nature, involves a substantial risk that
12 physical force against the person or property of another may be used in the course
13 of committing the offense or an offense that involves the possession or use of a
14 dangerous weapon. The following enumerated offenses and attempts to commit any
15 of them are included as "crimes of violence":

16 * * *

17 (45) Vehicular homicide, when the operator's blood alcohol
18 concentration exceeds 0.20 percent by weight based on grams of alcohol per one
19 hundred cubic centimeters of blood.

20 * * *

21 §32.1. Vehicular homicide

22 * * *

23 C. Whoever commits the crime of vehicular homicide shall be sentenced
24 as an offender convicted of a crime of violence if the offender's blood alcohol
25 concentration, at the time of the offense, exceeds 0.20 percent by weight based
26 on grams of alcohol per one hundred cubic centimeters of blood.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____