
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 399 Original

2022 Regular Session

Fontenot

Abstract: Requires offenders upon a second or subsequent conviction for a violation of operating a vehicle while intoxicated to undergo a medical assessment for alcohol or drug dependence.

Present law provides that on a second or subsequent conviction for a violation of operating a vehicle while intoxicated (R.S. 14:98), the court may order the offender to undergo an assessment that uses a standardized evidence-based instrument performed by a physician to determine whether the offender has a diagnosis for alcohol or drug dependence and would benefit from a court-approved medication-assisted treatment indicated and approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration.

Proposed law amends present law to require the court to order an offender upon a second or subsequent conviction for a violation of operating a vehicle while intoxicated to undergo an assessment performed by a physician or other licensed practitioner to determine whether the offender has a diagnosis for alcohol or drug dependence.

Present law provides that upon considering the results of the assessment, the court may refer the offender to a rehabilitative program that offers forms of court-approved medications approved for the treatment of alcohol or drug dependence by the U.S. Food and Drug Administration.

Proposed law amends present law to require the court to refer an offender to a rehabilitative program or a court-approved treatment program, such as cognitive therapy.

Present law provides that when an offender shows that he is unable to pay the costs of the assessment and rehabilitative program, either personally or through a third party insurer, present law does not apply.

Proposed law repeals present law.

(Amends R.S. 14:98.5.1(A) and (B); Repeals R.S. 14:98.5.1(C))