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## DIGEST

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Greene

HB No. 508

**Abstract:** Expands vehicular negligent injuring, first degree vehicular negligent injuring, and operating a vehicle while intoxicated to include operating a vehicle with any detectable amount of a controlled dangerous substance in the operator's blood.

Present law provides for the crimes of vehicular negligent injuring (R.S. 14:39.1), first degree vehicular negligent injuring (R.S. 14:39.2), and operating a vehicle while intoxicated (R.S. 14:98) and provides as elements of the offense that during the operation of the vehicle:

- (1) The offender is under the influence of alcoholic beverages.
- (2) The offender's blood alcohol concentration is 0.08 % or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.
- (3) The offender is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in present law (R.S. 40:964).
- (4) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.
- (5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

Proposed law retains present law and adds as an element to each of these offenses that during the operation of the vehicle the operator's blood has any detectable amount of any controlled dangerous substance listed in Schedule I, II, III, or IV as set forth in present law (R.S. 40:964), or a metabolite of such controlled dangerous substance, that has not been medically ordered or prescribed for the individual.

(Adds R.S. 14:39.1(A)(6), 39.2(A)(6), and 98(A)(1)(f))