

2022 Regular Session

HOUSE BILL NO. 399

BY REPRESENTATIVE FONTENOT

DWI: Provides relative to rehabilitative programs for second or subsequent convictions of operating a vehicle while intoxicated

1 AN ACT

2 To amend and reenact R.S. 14:98.5.1(A) and (B) and to repeal R.S. 14:98.5.1(C), relative  
3 to driving offenses; to provide relative to rehabilitative programs for second or  
4 subsequent convictions of operating a vehicle while intoxicated; to require an  
5 offender to undergo an assessment for alcohol or drug dependence; to require the  
6 court to refer an offender to rehabilitative programs or other treatment programs; and  
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:98.5.1(A) and (B) are hereby amended and reenacted to read as  
10 follows:

11 §98.5.1. Assessment for alcohol or drug dependence; rehabilitative programs;  
12 second and subsequent convictions

13 A. Notwithstanding any other provision of law to the contrary provided by  
14 R.S. 14:98, 98.1, 98.2, 98.3, and 98.4, on a second or subsequent conviction for a  
15 violation of R.S. 14:98, the court ~~may~~ shall order the offender, at the sole expense  
16 of the offender, to undergo an assessment that uses a standardized evidence-based  
17 instrument performed by a physician or other licensed practitioner to determine  
18 whether the offender has a diagnosis for alcohol or drug dependence and would  
19 likely benefit from treatment, including but not limited to a court-approved  
20 medication-assisted treatment indicated and approved for the treatment of alcohol  
21 or drug dependence by the United States Food and Drug Administration, ~~as~~ or other

