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

Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	any other treatment specified in the most recent Diagnostic and Statistical Manual		
2	of Mental Disorders published by the American Psychiatric Association.		
3	B. Upon considering the results of the assessment, the court may shall refer		
4	the offender to a rehabilitative program that offers one or more forms of		
5	court-approved medications that are approved for the treatment of alcohol or drug		
6	dependence by the United States Food and Drug Administration or a court-approved		
7	treatment program, such as cognitive therapy.		
8	* * *		
9	Section 2. R.S. 14:98.5.1(C) is hereby repealed in its entirety.		

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.

<u>Present law</u> 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.

<u>Proposed law</u> amends <u>present law</u> 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.

<u>Present law</u> 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.

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

<u>Present law</u> 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, <u>present law</u> 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))