

Regular Session, 2014

HOUSE BILL NO. 508

BY REPRESENTATIVE GREENE

DWI: Provides relative to certain offenses of operating a vehicle while intoxicated

1 AN ACT

2 To enact R.S. 14:39.1(A)(6), 39.2(A)(6), and 98(A)(1)(f), relative to operating a vehicle
3 while intoxicated; to provide relative to the crimes of vehicular negligent injuring,
4 first degree vehicular negligent injuring, and operating a vehicle while intoxicated;
5 to expand these crimes to include operating a vehicle with any detectable amount of
6 a controlled dangerous substance in the operator's blood; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:39.1(A)(6), 39.2(A)(6), and 98(A)(1)(f) are hereby enacted to read
10 as follows:

11 §39.1. Vehicular negligent injuring

12 A. Vehicular negligent injuring is the inflicting of any injury upon the person
13 of a human being when caused proximately or caused directly by an offender
14 engaged in the operation of, or in actual physical control of, any motor vehicle,
15 aircraft, watercraft, or other means of conveyance whenever any of the following
16 conditions exists:

17 * * *

18 (6) The operator's blood has any detectable amount of any controlled
19 dangerous substance listed in Schedule I, II, III, or IV as set forth in R.S. 40:964, or

1 a metabolite of such controlled dangerous substance, that has not been medically
2 ordered or prescribed for the individual.

3 * * *

4 §39.2. First degree vehicular negligent injuring

5 A. First degree vehicular negligent injuring is the inflicting of serious bodily
6 injury upon the person of a human being when caused proximately or caused directly
7 by an offender engaged in the operation of, or in actual physical control of, any
8 motor vehicle, aircraft, watercraft, or other means of conveyance whenever any of
9 the following conditions exists:

10 * * *

11 (6) The operator's blood has any detectable amount of any controlled
12 dangerous substance listed in Schedule I, II, III, or IV as set forth in R.S. 40:964, or
13 a metabolite of such controlled dangerous substance, that has not been medically
14 ordered or prescribed for the individual.

15 * * *

16 §98. Operating a vehicle while intoxicated

17 A.(1) The crime of operating a vehicle while intoxicated is the operating of
18 any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when:

19 * * *

20 (f) The operator's blood has any detectable amount of any controlled
21 dangerous substance listed in Schedule I, II, III, or IV as set forth in R.S. 40:964, or
22 a metabolite of such controlled dangerous substance, that has not been medically
23 ordered or prescribed for the individual.

24 * * *

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)]

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))