AN ACT

HOUSE BILL NO. 511

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BY REPRESENTATIVE GUILLORY AND SENATOR LAFLEUR

2	To amend and reenact R.S. 14:98(F), relative to operating a vehicle while intoxicated; to
3	provide relative to multiple offenses of operating a vehicle while intoxicated; to
4	provide relative to determinations of prior convictions of such offenses; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 14:98(F) is hereby amended and reenacted to read as follows:
8	§98. Operating a vehicle while intoxicated
9	* * *
10	F.(1) For purposes of determining whether a defendant has a prior conviction
11	for violation of this Section, a conviction under either R.S. 14:32.1, vehicular
12	homicide, R.S. 14:39.1, vehicular negligent injuring, or R.S. 14:39.2, first degree
13	vehicular negligent injuring, or a conviction under the laws of any state or an
14	ordinance of a municipality, town, or similar political subdivision of another state,
15	which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or
16	other means of conveyance while intoxicated, while impaired, or while under the
17	influence of alcohol, drugs, or any controlled dangerous substance shall constitute
18	a prior conviction. This determination shall be made by the court as a matter of law.
19	(2) For purposes of this Section, a prior conviction shall not include a
20	conviction for an offense under this Section, a conviction for an offense under R.S.
21	14:39.1, , under R.S. 14:32.1, R.S. 14:39.1, or R.S. 14:39.2, or under a comparable
22	statute or ordinance of another jurisdiction, as described in Paragraph (1) of this
23	Subsection, or a conviction under the laws of any state or an ordinance of a
24	municipality, town, or similar political subdivision of another state which prohibits

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the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of

conveyance while intoxicated, while impaired, or while under the influence of

3 <u>alcohol, drugs, or any controlled dangerous substance</u> if committed more than ten

4 years prior to the commission of the crime for which the defendant is being tried and

such conviction shall not be considered in the assessment of penalties hereunder.

However, periods of time during which the offender was awaiting trial, on probation

or parole for an offense described in this Paragraph (1) of this Subsection, under an

order of attachment for failure to appear, or incarcerated in a penal institution in this

or any other state shall be excluded in computing the ten-year period.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES	

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: