

Regular Session, 2012

HOUSE BILL NO. 560

BY REPRESENTATIVE LOPINTO

DWI: Amends provisions relative to multiple offenses of operating a vehicle while intoxicated

1 AN ACT

2 To amend and reenact R.S.14:98(F)(2), relative to operating a vehicle while intoxicated; to
3 provide relative to operating a vehicle while intoxicated; to amend provisions
4 relative to multiple convictions of the offense; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S.14:98(F)(2) is hereby amended and reenacted to read as follows:

7 §98. Operating a vehicle while intoxicated

8 * * *

9 F.

10 * * *

11 (2) For purposes of this Section, a prior conviction shall not include a
12 conviction for an offense under this Section, under R.S. 14:32.1, ~~R.S. 14:39.1~~, or
13 ~~R.S. 14:39.2~~, or under a comparable statute or ordinance of another jurisdiction, as
14 described in Paragraph (1) of this Subsection, if committed more than ten years prior
15 to the commission of the crime for which the defendant is being tried and such
16 conviction shall not be considered in the assessment of penalties hereunder.
17 However, periods of time during which the offender was awaiting trial, on probation
18 or parole for an offense described in Paragraph (1) of this Subsection, under an order
19 of attachment for failure to appear, or incarcerated in a penal institution in this or any
20 other state shall be excluded in computing the ten-year period.

21 * * *

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)]

Lopinto

HB No. 560

Abstract: Amends provisions relative to multiple offenses of operating a vehicle while intoxicated.

Present law provides that for purposes of determining whether a defendant has a prior conviction for violation of operating a vehicle while intoxicated, convictions of other specified driving offenses shall constitute a prior conviction of the offense if committed less than 10 years prior to the commission of the crime for which the defendant is being tried.

Present law further provides that periods of time during which the offender was awaiting trial, on probation for certain driving offenses, 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 10-year period.

Proposed law amends present law and provides that periods of time during which the offender was on parole for certain driving offenses shall be excluded in computing the 10-year period.

(Amends R.S. 14:98(F)(2))