SLS 14RS-713 **ENGROSSED**

Regular Session, 2014

SENATE BILL NO. 293

BY SENATOR MARTINY

DWI. Provides relative to operating a vehicle while intoxicated. (gov sig)

AN ACT

To amend and reenact R.S. 14:98(F)(2), relative to operating a vehicle while intoxicated; to provide relative to prior convictions for operating while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§98. Operating a vehicle while intoxicated

* * *

F.(1) * * *

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section, under R.S. 14:32.1, R.S. 14:39.1, or R.S. 14:39.2, or under a comparable statute or ordinance of another jurisdiction, as described in Paragraph (1) of this Subsection, if committed more than ten 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, **under an order of attachment for failure to appear, or incarcerated in a penal institution**

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

in this or any other state for any offense, or on probation or parole for an offense described in 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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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Martiny (SB 293)

Present law provides relative to the crime of operating a vehicle while intoxicated (DWI).

Present law provides that a prior conviction for purposes of present law does not include a conviction under the present law crime of DWI or related crimes if the crime was committed more than 10 years prior to the commission of the crime for which the defendant is being tried, and such conviction cannot be considered in the assessment of penalties. Present law further provides that periods of time during which the offender was awaiting trial, under an order of attachment for failure to appear, or incarcerated in a penal institution in this or any other state for any offense, or on probation or parole for certain present law offenses, are to be excluded in computing the 10-year period.

Proposed law retains present law but clarifies that periods of time awaiting trial, under an order of attachment, or incarcerated for any offense, not only DWI offenses, are to be excluded from the 10-year computation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

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

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