

SENATE BILL NO. 485

BY SENATOR PERRY

1 AN ACT

2 To enact R.S. 14:32.1(A)(7) and 32.8(A)(2)(g), relative to operating a vehicle while
3 intoxicated; to provide that the crimes of vehicular homicide and third degree
4 feticide include operating a vehicle when any detectable amount of certain controlled
5 dangerous substances is present in the operator's blood; to provide for exceptions;
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:32.1(A)(7) and 32.8(A)(2)(g) are hereby enacted to read as
9 follows:

10 §32.1. Vehicular homicide

11 A. Vehicular homicide is the killing of a human being caused proximately or
12 caused directly by an offender engaged in the operation of, or in actual physical
13 control of, any motor vehicle, aircraft, watercraft, or other means of conveyance,
14 whether or not the offender had the intent to cause death or great bodily harm,
15 whenever any of the following conditions exists and such condition was a
16 contributing factor to the killing:

17 * * *

18 **(7) 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.**
20 **40:964, or a metabolite of such controlled dangerous substance, that has not**
21 **been medically ordered or prescribed for the individual.**

22 * * *

23 §32.8. Third degree feticide

24 A. Third degree feticide is:

25 * * *

26 (2) The killing of an unborn child caused proximately or caused directly by
27 an offender engaged in the operation of, or in actual physical control of, any motor

1 vehicle, aircraft, vessel, or other means of conveyance whether or not the offender
2 had the intent to cause death or great bodily harm whenever any of the following
3 conditions exist and such condition was a contributing factor to the killing:

4 * * *

5 **(g) The operator's blood has any detectable amount of any controlled**
6 **dangerous substance listed in Schedule I, II, III, or IV as set forth in R.S.**
7 **40:964, or a metabolite of such controlled dangerous substance, that has not**
8 **been medically ordered or prescribed for the individual.**

9 * * *

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____