

Regular Session, 2008
HOUSE BILL NO. 786
BY REPRESENTATIVE PONTI

ACT No. 161

1 AN ACT

2 To amend and reenact R.S. 14:98(D)(1)(a) and (b)(introductory paragraph) and (E)(1)(a) and
3 (b)(introductory paragraph), relative to offenses involving operating a vehicle while
4 intoxicated; to provide with respect to the crime of operating a vehicle while
5 intoxicated; to amend the criminal penalties for such crime; to provide relative to
6 community service; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:98(D)(1)(a) and (b)(introductory paragraph) and (E)(1)(a) and
9 (b)(introductory paragraph) are hereby amended and reenacted to read as follows:

10 §98. Operating a vehicle while intoxicated

11 * * *

12 D.(1)(a) On a conviction of a third offense, notwithstanding any other
13 provision of law to the contrary and regardless of whether the offense occurred
14 before or after an earlier conviction, the offender shall be imprisoned with or without
15 hard labor for not less than one year nor more than five years and shall be fined two
16 thousand dollars. ~~Thirty~~ Forty-five days of the sentence of imprisonment shall be
17 imposed without benefit of probation, parole, or suspension of sentence. The court,
18 in its discretion, may suspend all or any part of the remainder of the sentence of
19 imprisonment. If any portion of the sentence is suspended, the offender shall be
20 placed on supervised probation with the Department of Public Safety and
21 Corrections, division of probation and parole, for a period of time equal to the
22 remainder of the sentence of imprisonment, which probation shall commence on the
23 day after the offender's release from custody.

1 (b) Any offender placed on probation pursuant to the provisions of this
 2 ~~Subsection D of this Section~~ shall be required as a condition of probation to
 3 participate in thirty eight-hour days of court-approved community service activities
 4 and to submit to and complete either of the following requirements:

* * *

6 E.(1)(a) Except as otherwise provided in Subparagraph (4)(b) of this
 7 Subsection, on a conviction of a fourth or subsequent offense, notwithstanding any
 8 other provision of law to the contrary and regardless of whether the fourth offense
 9 occurred before or after an earlier conviction, the offender shall be imprisoned with
 10 or without hard labor for not less than ten years nor more than thirty years and shall
 11 be fined five thousand dollars. ~~Sixty~~ Seventy-five days of the sentence of
 12 imprisonment shall be imposed without benefit of probation, parole, or suspension
 13 of sentence. The court, in its discretion, may suspend all or any part of the remainder
 14 of the sentence of imprisonment. If any portion of the sentence is suspended, the
 15 offender shall be placed on supervised probation with the Department of Public
 16 Safety and Corrections, division of probation and parole, for a period of time not to
 17 exceed five years, which probation shall commence on the day after the offender's
 18 release from custody.

19 (b) Any offender placed on probation pursuant to the provisions of this
 20 ~~Subsection E of this Section~~ shall be required, as a condition of probation, to
 21 participate in forty eight-hour days of court-approved community service activities
 22 and to submit to and complete either of the following requirements:

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____