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The original instrument was prepared by Tracy Sabina Sudduth. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

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Chaisson (SB 679)

DIGEST

Present law provides that persons convicted of a third DWI offense shall be imprisoned with or without hard labor for one to five years, with 30 days imposed without benefit of probation, parole, or suspension of sentence. Requires the remainder of the sentence to be suspended.

Present law provides that persons convicted of a fourth or subsequent DWI offense shall be imprisoned for 10 to 30 years, with 60 days served without benefit of probation, parole, or suspension of sentence. Requires the remainder of the sentence to be suspended.

Proposed law deletes provisions which require the remainder of the sentence to be suspended and provides for the court's discretion in suspending all or any part of the remainder of the sentence.

Present law provides that third, fourth, and subsequent offenders shall be required to participate in a four to six week inpatient substance abuse program and may be sentenced to additional substance abuse treatment services not to exceed 12 months.

Proposed law provides that the court may order the offender to participate in an inpatient substance abuse treatment program, or any other court-approved substance abuse treatment program.

Present law provides for the seizure and sale of a vehicle being driven by the offender at the time of the offense and provides for procedures to be used in those circumstances.

Proposed law retains present law.

Present law provides that persons convicted of a third, fourth, or subsequent DWI offense shall be supervised on home incarceration and shall be subject to conditions including electronic monitoring, curfew restrictions, home visitation once a month for the first 6 months by personnel of the Dept. of Public Safety and Corrections, etc. The level of supervision is to be determined by the department based upon a "risk assessment instrument."

Proposed law provides that the court may order an offender to home incarceration for any period of time to be determined by the court, but in no case shall the offender be sentenced to home incarceration for more than the remainder of the suspended sentence (for third offenses) or five years (for fourth and subsequent offenses).

(Amends R.S. 14:98(D)(1) and (3), (E)(1) and (3), and (I))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Specifies that home visitation of persons convicted of 3rd, 4th, or subsequent DWIs is once a month for the first 6 months.
2. Provides that the level of supervision for such offenders is to be determined by the department based upon a "risk assessment instrument."