
DIGEST

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Baldone

HB No. 549

Abstract: Provides with respect to substance abuse treatment, probation, and home incarceration for repeat DWI offenders.

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.

Proposed law retains present law and provides that the offender shall be placed on supervised probation after release from custody.

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 retains present law and provides that the offender shall be placed on supervised probation after release from custody.

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 changes present law by requiring the offender to submit and complete either of the following treatment plans:

- (1) A treatment plan recommended by the office for addictive disorders following evaluation, including inpatient substance abuse treatment for at least four weeks and the additional 12 months of treatment, or
- (2) Substance abuse treatment in an alcohol and drug abuse program provided by a drug division (commonly referred to as a drug court).

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, and home visitation once per month by personnel of the Dept. of Public Safety and Corrections, etc.

Proposed law clarifies that an offender sentenced to home incarceration is on supervised probation and that his probation may be revoked if he violates any condition of probation, including conditions of home incarceration. Further provides that the monthly home visitation by personnel of the department shall occur for the first six months, and thereafter, the department shall determine the level of supervision needed based upon a risk assessment instrument.

(Amends R.S. 14:98(D)(1) and (3)(a)(intro. para.) and (iii) and (E)(1) and (3)(a)(intro. para.) and (iii))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Provides that the home visitation by DPS&C shall occur once per month for the first six months, and thereafter, the level of supervising shall be determined by the department based upon risk assessment.
2. Clarifies that the offender shall be placed in a home incarceration program in addition to the substance abuse treatment provisions required by proposed law, instead of requiring the offender to be placed in home incarceration after completing substance abuse treatment.