## **ACT No. 41**

AN ACT

SENATE BILL NO. 352

BY SENATOR HENRY

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| 2  | To enact R.S. 14:98.5.1, relative to driving offenses; to provide that the court may order a |
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| 3  | clinical assessment for a person who has two or more convictions for operating a             |
| 4  | vehicle while intoxicated; and to provide for related matters.                               |
| 5  | Be it enacted by the Legislature of Louisiana:   |
| 6  | Section 1. R.S. 14:98.5.1 is hereby enacted to read as follows:                              |
| 7  | §98.5.1. Assessment for alcohol or drug dependence; rehabilitative programs;                 |
| 8  | second and subsequent convictions  |
| 9  | A. Notwithstanding any other provision of law to the contrary provided                       |
| 10 | by R.S. 14:98, 98.1, 98.2, 98.3, and 98.4, on a second or subsequent conviction              |
| 11 | for a violation of R.S. 14:98, the court may order the offender, at the sole                 |
| 12 | expense of the offender, to undergo an assessment that uses a standardized                   |
| 13 | evidence-based instrument performed by a physician to determine whether the                  |
| 14 | offender has a diagnosis for alcohol or drug dependence and would likely                     |
| 15 | benefit from a court-approved medication-assisted treatment indicated and                    |
| 16 | approved for the treatment of alcohol or drug dependence by the United States                |
| 17 | Food and Drug Administration, as specified in the most recent Diagnostic and                 |
| 18 | Statistical Manual of Mental Disorders published by the American Psychiatric                 |
| 19 | Association.   |
| 20 | B. Upon considering the results of the assessment, the court may refer                       |
| 21 | the offender to a rehabilitative program that offers one or more forms of                    |
| 22 | court-approved medications that are approved for the treatment of alcohol or                 |
| 23 | drug dependence by the United States Food and Drug Administration.                           |

1 C. This Section shall not apply when an offender shows that he is unable
2 to pay the costs of the assessment and rehabilitative program, either personally
3 or through a third party insurer.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

**SB NO. 352** 

APPROVED: