LEGISLATURE

DWI measure gets OK

By MARSHA SHULER
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A House panel Wednesday approved legislation requiring district attorneys to file written reasons when they dismiss or reduce driving while intoxicated charges.

Proponents of the legislation, HB1720 by Rep. Donald Ray Kennard, D-Baton Rouge, say they hope it will reduce the number of instances where DWI offenders get off totally or with light penalties because of district attorneys' actions.

In other business, the House Administration of Criminal Justice Committee deferred action on legislation that would have outlawed open alcoholic beverage containers in motor vehicles and approved a bill mandating license suspension for a first-offense DWI.

Lawmakers said they foresaw problems in enforcement of the proposed open container legislation, and the bill's author, Rep. Roy Gomez, D-Lafayette, said he would work on amendments to answer some of the questions raised.

In testifying on the district attorney-related legislation, Kennard said out of 50,000 arrests for DWI only 8,000 convictions resulted.

"There's no doubt district attorneys differ in their charges and opinions," he said.

Kennard said he believes the public wants to know the reasons for that difference.

Jefferson Parish District Attorney John Mamoulides said he had no problem with the intent of Kennard's bill, however, he said he saw some technical problems with the bill.

He said the legislation holds district attorneys accountable for charges that may never reach their desks.

The legislation was later amended so that the written reasons would be required "after receipt of notice of a summons or booking."

After the open container bill, HB121, met a committee roadblock, Gomez asked that action be delayed.

"I hope to bring you back a model piece of legislation. It's going to take it to pass," said an irritated Gomez.

The open container legislation encountered problems right off the bat, with committee chairman Rep. Loy Weaver, D-Homer, bringing up enforcement problems and Rep. Carl Crane, D-Baton Rouge, suggesting examples of loopholes through which drivers and passengers could still legally drink.

"We won't get everybody, but we shouldn't back off," Gomez said. "If the law is on the books at least we can change this way of death, we call a way of life in Louisiana.

It will say we are dead serious about this problem."

Gomez said the proposed law would address four major problems — the drinking driver, the under-age drinker who has few places in which to practice the habit but in an automobile, the litter problem and drive-in liquor outlets.

But Weaver said he feared problems would arise in determining who would be charged when it is not apparent who has been drinking. He said there could be an instance where a police officer stopped a vehicle in which there was a half-full can of beer and there is more than one individual in the vehicle.

"Who would be charged?" Weaver asked. "As a practical matter who would the law enforcement officer charge? How successful would a district attorney be in prosecuting?"

Natchitoches Parish District Attorney Ronald Martin told the committee that there would be problems.

"There isn't any doubt that the questions the members of the committee have raised about the difficulty of enforcement are entirely valid," he said.

Martin said he believes the job of the law enforcement officer and the district attorney will be hard.

"If he didn't see the person in possession of (an open container) how do you know it," he asked.

Crane said he could also see problems because the bill does not spell out that the vehicle has to be moving. And, he said, a person could break the seal of an alcoholic beverage container and pour its contents into another holder, like a flask or a pitcher, and not be covered under the law.

"It's got some loopholes that could really be capitalized on by an individual intent on drinking," Crane said.

Weaver said he did not believe any law was going to stop the problem.

"You can restrain it. That's what he is going to do," Rep. V.J. Bella, D-Berwick, said.

"But our problem is finding one (open container law) that can be enforced," responded Weaver.

The committee also okayed:

- HB220 by Rep. Joe Bleich, D-Ruston, which eliminates the authority of judges to allow first offense DWI offenders to keep their drivers licenses. Offenders could apply for hardship drivers licenses, however.

- HB754 by Rep. Ted Haik, D-New Iberia, which establishes penalties for driving under the influence of drugs.

- HB935 by Rep. Richard Baker, D-Baton Rouge, which requires that the owner of a vehicle involved in a DWI-related arrest be notified.

- HB1791 by Rep. Jon Johnson, D-New Orleans, concerning probation conditions following a conviction on DWI or drug charges.