Lawyers Offer Interpretations

With the city’s new ordinance prohibiting drinking while driving less than a week old, interpretations of the new law are being offered by court officials.

District Attorney Nathan Stansbury said last night, for example, that he doesn’t believe taping a plastic lid to a cup containing alcohol will make the container qualify as a sealed container.

The new law states that alcohol cannot be carried on public streets in private vehicles in open containers. It can be carried in sealed containers, however.

The owner of the Daiquiri Factory has been dispensing frozen alcoholic beverages in plastic cups with lids attached with freezer tape.

“I will say it’s not sealed,” Stansbury said, adding that he will prosecute cases which involve such containers.

(Continued on Page 5, Col. 1)

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(Continued From Page 1)

Stansbury’s comment was made during a meeting of the City/Parish Task Force on Drunk Driving.

At that meeting, City Prosecutor Jimmy Hayes explained to the group how he interprets enforcement of the new city law.

In his opinion, police officers wouldn’t have a good enough reason to stop a driver whom they watch take a sip out of a glass.

If, however, a car is weaving down the highway, the officer could charge the driver with violation of the new ordinance if the officer stops the car and finds a glass that smells of an alcoholic beverage in it, Hayes said.

However, suppose a driver passes a police car and takes a swig out of a whiskey bottle. That would be enough reason for the officer to stop the driver, according to the city prosecutor.

What if the driver had placed a soft drink in the whiskey bottle? Hayes said the driver could be arrested for interfering with the duties of a police officer.

“On a lot of these, we won’t have a definitive answer until it’s tested in court,” said City Judge Kaliste Saloom, who also attended the meeting.

City Police have said they will not be booking drivers with violations of the new ordinance for a couple of weeks. In the meantime, officers will issue warnings.

Stansbury told the Task Force last night the average age of the drinking driver arrested in Lafayette is 30 years old. The average alcohol level found in the bloodstream of those arrested is .17 percent, he said. State law says that anyone with a .10 percent blood/alcohol level is legally drunk.