Senate Adopts Part Of Package Of Anti Drunk Driving Proposals

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BATON ROUGE — The Senate moved closer to clamping down on drinking drivers yesterday, adopting a seven-bill package aimed at stiffening penalties for drunk drivers.

The measures will now return to the House for concurrence on amendments. If approved by the House, the bills must be signed by Gov. Dave Treen in order to become law.

But the first bill considered by the Senate yesterday afternoon wasn’t an easy victory for proponents of a stiff mandatory sentence for first offenders of driving while intoxicated.

Lengthy Debate

The approved bill calls for a fine of $125 to $500 and from 10 days to six months in jail for first offense of OWI. If that sentence is suspended, the judge must sentence an offender to two days in jail or to four eight-hour days of community service work.

The current law carries a fine of $100 to $400 and a possible sentence of 30 days to six months. That sentence is often suspended.

Senators debated about first offenders for more than two hours before a final vote was taken. Along the way, several amendments were rejected which would have provided leniency to first offenders.

Many senators argued that penalty reductions for first offenders would “gut” the bill and make it almost useless.

Brinkhaus Opposes

But Sen. Armand Brinkhaus of Sunset told fellow senators there should be a wider range of discretion for judges who hear cases involving first offenders.

“The jails are full, they’re overfilled,” Brinkhaus said. He added it would be “moderately ridiculous to stuff” another person into a packed jail for a first drunk driving offense.

Also, he said he’s not sure there is adequate community service work available.

He argued there is no leeway in the law to allow a judge to give a lighter sentence to an offender with a .10 percent alcohol level than to one with a .15 percent alcohol level. He also pointed out there are already many drunk driver laws on the books.

Brinkhaus urged passage of the amendment “so we will have some sanity in this madness we have found ourselves in.”

Personal Experience

After Brinkhaus was seated, he received a written message from a citizen who said he didn’t understand the problem.

So he went to the podium again. He recounted how his 16-year-old niece, who was also his godchild, was killed by a first offense drunk driver.

“The guy who did it spent about a year and a half in prison ... and it didn’t bring her back,” he said.

But the key amendment was rejected 25-14 and similar amendments also failed by large margins.

One major change in the House bill, however, was an amendment which would require district attorneys to explain in writing reasons for dismissing or reducing an OWI charge.

Possible Deterrent

Sen. Allen Bares said later in an interview that it is hoped the tough bill for first offenders will help prevent drunk driver-related accidents.

“The fact is, we’re told by the safety councils that there is a huge amount of deterrent when you mandate there must be a fine or jail sentence,” Bares said.

“Society kind of accepts the fact we drink and drive at the same time,” he continued. “But that’s not a right we have.”

Senate Passes

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- Allow the State Department of Public Safety, rather than a district court, to certify habitual offenders of traffic laws. The driver could then have his license taken. Vote: 38-1.
- Establish a $300-500 fine and mandatory seven-day jail sentence for a second offense OWI offender while his license was under suspension for another OWI criminal negligence. Vote: 32-6.
- Create the crime of vehicular negligent injury. It would have a fine of up to $500 or up to six months in jail. The violation would be defined as inflicting any injury upon another by criminal negligence. Vote: 32-6.
- Allow pre-arrest testing to determine if a driver was driving under the influence of alcohol. Refusal to take the test would mean automatic revocation of a person’s license. A law enforcement officer could stop a driver with “reasonable grounds” without arresting him and make him take the test. Vote: 37-2.
- Redefine the crime of operating a vehicle while intoxicated to include illegal drugs. Vote: 38-2.