



## Overview of Louisiana DWI Sentencing Guidelines\*

### First Offense

- Fine: \$300 - \$1,000
- License suspended for one (1) year
- Jail: 10 days - 6 months. Can be suspended if placed on probation and:
  - Serve 48 hours in jail or 32 hours of Community Service Work (CSW), plus
  - Driver Improvement Program and Court-approved Substance Abuse Program
  - Court may require ignition interlock device during probation
- Blood Alcohol Content (BAC) = .150% -.199%
  - 48 hours of above sentence shall be served without benefit of parole, probation, or suspension of sentence (in addition to the 48 hours above)
- BAC = .200% or greater
  - 48 hours of above sentence shall be served without benefits (in addition to the 48 hours above)
  - Fine: \$750- \$1000
  - License suspended for two (2) years
  - Placed on probation with requirement for ignition interlock installed in vehicle

### Second Offense

- Fine: \$750- \$1,000
- License suspended for 2 years
- Jail: 30 days - 6 months - (48 hours cannot be suspended); remainder can be suspended if:
  - 15 days in jail (without benefits and in addition to the 48 hours) or 240 hours of CSW, plus
  - Court-approved Substance Abuse Program and Driver Improvement Program, and
  - Placed on probation with requirement for ignition interlock installed in vehicle
- BAC = .150%g - .199%
  - 96 hours of above sentence shall be served without benefits
- BAC = .200%g or greater
  - 96 hours of above sentence shall be served without benefits
  - Fine: \$1000
  - License suspended for four (4) years
  - Placed on probation with requirement for ignition interlock installed in vehicle
- **If the arrest for the second offense occurs within one year of the commission of the first offense:**
  - 30 days of the sentence without benefits
  - BAC = .200% or greater
    - 30 days without benefits; plus other sentencing requirement above
    - Fine \$1000
    - License suspended for four (4) years



### **Third Offense**

- Fine: \$2,000
- License suspended for three (3) years
- Ignition interlock required in vehicle
- Jail: 1-5 years with or without hard labor (1 year without benefits unless in a drug division probation program)
- Vehicle confiscation (at discretion of District Attorney by written motion 5 days before sentencing)
- Probation for remainder of sentence, plus:
  - 240 hours of CSW
  - Home Incarceration for not less than 6 months
  - Driver Improvement Program
  - Obtain employment
  - Evaluation and Inpatient/Outpatient Substance Abuse Treatment, or
  - Participation in a court approved substance abuse program such as Drug or DWI Court, if eligible
- **If previously received the benefit of parole, probation, suspension or participated in a drug division probation program, substance abuse treatment or HIP as a third or subsequent offender:**
  - Fine: \$2,000
  - License suspended for three (3) years
  - Jail: 2 - 5 years with or without hard labor (2 years without benefits)
  - Vehicle confiscation (at discretion of District Attorney by written motion 5 days before sentencing)
  - Probation for remainder of sentence, plus:
    - 240 hours of CSW
    - Home Incarceration for not less than 6 months
    - Driver Improvement Program
    - Obtain employment

### **Fourth or Subsequent Offense**

- Fine: \$5,000
- License suspended for three (3) years
- Ignition interlock required in vehicle
- Jail: 10- 30 years with or without hard labor (2 years without benefits unless in a drug division probation program)
- Vehicle confiscation (at discretion of District Attorney by written motion 5 days before sentencing)
- Probation not to exceed five (5) years, plus:
  - 320 hours of CSW
  - Driver Improvement Program



- Home Incarceration for the length of probation
- Obtain employment
- Evaluation and Inpatient/Outpatient Substance Abuse Treatment, or
- Participation in a court approved substance abuse program such as Drug or DWI Court, if eligible
- **If previously been required to participate Drug or DWI Court:**
  - 3 years of the sentence without benefits, plus other requirements
- **If previously required to participate in substance abuse treatment or home incarceration as a third offender:**
  - Fine: \$5,000
  - License suspended for three (3) years
  - Ignition interlock required in vehicle
  - Jail: 10 - 30 years at hard labor (3 years without benefits and not eligible for suspension of sentence for participation in a drug division probation program)
  - Vehicle confiscation (at discretion of District Attorney by written motion 5 days before sentencing)
  - Probation for remainder of sentence, plus
    - 320 hours of CSW
    - Home Incarceration for length of probation
    - Driver Improvement Program
    - Obtain employment
- **If previously received the benefit parole, probation or suspension of sentence as a fourth offender:**
  - Fine: \$5,000
  - License suspended for three (3) years
  - Jail: 10 - 30 years at hard labor (no part of the sentence may be imposed with benefits and no portion of the sentence shall be imposed concurrently with the balance of any sentence)
  - Vehicle confiscation (at discretion of District Attorney by written motion 5 days before sentencing)

*\* This Overview of Louisiana DWI Sentencing Guidelines is provided as a courtesy of Southern Oaks Law Firm for general informational purposes only and does not establish any attorney-client relationship. It is intended only as a reference and does not encompass the entirety of the Louisiana laws related to DWI sentencing. A DWI is a serious offense. Please consult with an attorney to discuss the particulars of your case and the possible sentences and/or penalties that may be imposed if convicted of a Louisiana DWI.*