

Criminal Negligence: Negligent Injuring / Vehicular Negligent Injuring Laws Louisiana

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This article examines the following:

Negligent Injuring — La R.S. 14:39

Vehicular Negligent Injuring — La R.S. 14:39.1

First Degree Vehicular Negligent Injuring — La R.S. 14:39.2

Negligent Injuring — La R.S. 14:39

Negligent injuring is either of the following:

- (1) The inflicting of any injury upon the person of another by criminal negligence.
- (2) The inflicting of any injury upon the person of another by a dog or other animal when the owner of the dog or other animal is reckless and criminally negligent in confining or restraining the dog or other animal.

The violation of a statute or ordinance shall be considered only as presumptive evidence of such negligence.

Whoever commits the crime of negligent injuring shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

Vehicular Negligent Injuring — La R.S. 14:39.1

Vehicular Negligent Injuring is the inflicting of any injury upon the person of a human being when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance whenever any of the following conditions exists:

- (1) The offender is under the influence of alcoholic beverages.
- (2) The offender's blood alcohol concentration is 0.08 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.

(3) The offender is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.

(4) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.

*It shall be an affirmative defense to any charge under this Paragraph pursuant to this Section that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.

(5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

The violation of a statute or ordinance shall be considered only as presumptive evidence of negligence .

Whoever commits the crime of vehicular negligent injuring shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

LOUISIANA DEPARTMENT OF PUBLIC SAFETY OFFICE OF MOTOR VEHICLES:

Shall suspend the driving privileges of any person upon receipt of satisfactory evidence of a conviction of that person for a charge of Vehicular Negligent Injury, as required under the laws of this State, indicating injury to another person occurred while the violator was operating any motor vehicle, aircraft, watercraft, or other means of conveyance.

First Degree Vehicular Negligent Injuring — 14:39.2

First degree vehicular negligent injuring is the inflicting of serious bodily injury upon the person of a human being when caused proximately or caused directly by an offender engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance whenever any of the following conditions exists:

(1) The offender is under the influence of alcoholic beverages.

(2) The offender's blood alcohol concentration is 0.08 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood.

(3) The offender is under the influence of any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964, or any abused substance.

(4) The operator is under the influence of a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.

** It shall be an affirmative defense to any charge under this Paragraph pursuant to this Section that the label on the container of the prescription drug or the manufacturer's package of the drug does not contain a warning against combining the medication with alcohol.*

(5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.

The violation of a statute or ordinance shall be considered only as presumptive evidence of negligence.

For purposes of this Section, "serious bodily injury" means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ or a mental faculty, or a substantial risk of death.

Whoever commits the crime of first degree vehicular negligent injuring shall be fined not more than two thousand dollars or imprisoned with or without hard labor for not more than five years, or both.

LOUISIANA DEPARTMENT OF PUBLIC SAFETY OFFICE OF MOTOR VEHICLES:

Shall suspend the driving privileges of any person upon receipt of satisfactory evidence of a conviction of that person for a charge of Vehicular Negligent Injury, as required under the laws of this State, indicating injury to another person occurred while the violator was operating any motor vehicle, aircraft, watercraft, or other means of conveyance.

If you are being investigated or have been arrested for the crime of Negligent Injuring of any sort, you need a skilled New Orleans Criminal Defense Attorney to protect your rights. An experienced lawyer is a necessity if alcohol was involved in the incident. The prosecutor will show no mercy on you. The Law Office of Elizabeth B. Carpenter, Esq. has experience defending people against overly aggressive prosecutors in many different types of Criminal Negligence cases. We have handled cases in Orleans, Jefferson, St. Bernard, Tangipahoa, St. John, Plaquemines and St. Tammany Parishes. Contact our firm to schedule a consultation!

About the Author:

Elizabeth Bagert Carpenter is an experienced New Orleans criminal defense attorney. She received her Juris Doctorate from Loyola University Law School. As an undergraduate, she extensively studied French Language and Literature with honors and attended L'Université

d'Orléans France. Before her legal career, she worked in the field of mental health while completing graduate studies in Psychology. Ms. Carpenter is a member and supporter of the Louisiana State Bar Association, Louisiana Association for Criminal Defense Lawyers, National Association of Criminal Defense Lawyers, Legalize Louisiana and National Organization for the Reformation of Marijuana Laws (NORML). She has also volunteered her time working as a CASA (Court Appointed Special Advocate). Her law practice focuses on White Collar Crime, Tax Resolution, Criminal Defense, DWI Defense.