

SUPREME COURT OF LOUISIANA

No. 99-K-2209

STATE OF LOUISIANA

VERSUS

JOHN CARR

KNOLL, JUSTICE, concurring and assigning additional reasons.

I agree with the majority's conclusion that 14:98(J) is ambiguous and that the legislative history does not reveal a clear intent by the Legislature to apply the statute to bicycles. As such, we must interpret the statute in favor of the accused and against the State. *State v. Becnel*, 674 So. 2d 880, 882 (La. 1993). I concur to note that the statute's penalty provisions in four different sections of the statute, which provide that first, second, and third offenders receive suspended sentences when they participate in a driver improvement program, is further evidence of the ambiguity of whether the Legislature intended the statute to apply to bicycles.