

1 YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

2 *****

3
4 _____ Bill Number _____

Legislative Action:

H. Committee: _____

6 Introduced By:

House: _____

S. Committee: _____

8 Authored By: Bert Martin

Senate: _____

9 Delegation: Butte High School

Governor: _____

11 Referred to Committee: _____

12 *****

13 A BILL FOR AN ACT ENTITLED: " DUI penalty system "

14 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

15 **Section 1; Action:** Eliminate MCA section **61-8-731**. **“Driving under influence of**
16 **alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or**
17 **subsequent offense.”** Replace section **61-8-731** “DUI penalty system.”

18
19 Upon passage of this bill:

- 20 1) The state “Per Se” Blood Alcohol Content (BAC) level will remain .08
- 21 2) The state Zero Tolerance BAC level is .00
- 22 3) Upon being charged with a first DUI citation in violation of above, the driver will suffer
- 23 the consequences of:
 - 24 i. A license suspension of 180 days in addition to an alcohol education course being
 - 25 completed and passed.
 - 26 ii. An alcohol education course will be provided and must be completed and passed.
 - 27 iii. Assessment of the person and any possible problem(s), and if necessary, treatment
 - 28 will be required at the drivers’ expense.
 - 29 iv. A fine will be issued that will not be less than one hundred (100) dollars and
 - 30 cannot exceed three hundred (300) dollars.
 - 31 v. Jail time is mandatory, for no less than twenty-four (24) hours and cannot exceed
 - 32 seventy-two (72) hours, immediately, unless overruled by a more severe law.
- 33 4) Upon being charged with a second DUI citation in violation of above, the driver will
- 34 suffer the consequences of:
 - 35 i. A license suspension of three (3) years in addition to the second alcohol education
 - 36 course being completed and passed.
 - 37 ii. Jail time is mandatory and will not be less than forty-eight (48) hours but cannot
 - 38 exceed ninety-six (96) hours unless overruled by a more severe law.
 - 39 iii. Alcohol education will be required at the drivers’ expense, in a more extensive
 - 40 manner with more in depth material.
 - 41 iv. An assessment of the person will be conducted to determine if there are any
 - 42 alcoholic possibilities or problems, if any are present, treatment will be required at
 - 43 the drivers’ expense.
 - 44 v. An ignition interlock system will be installed into the vehicle of the DUI
 - 45 recipient.

- 46 vi. Confiscation of the vehicle may be conducted and the decision will be left to the
47 discretion of the presiding officer and the length of the confiscation will be
48 dependent on the severity of the charge.
- 49 vii. A fine will be issued that will not be less than one thousand (1,000) dollars and
50 cannot exceed two thousand five hundred (2,500) dollars.
51
- 52 5) Upon being charged with a third DUI citation in violation of above, the driver will suffer
53 the consequences of:
- 54 i. A license suspension of five (5) years in addition to the completion of the drivers'
55 treatment of the said persons' alcoholism.
- 56 ii. Jail time is mandatory and will not be less than one month (30 days) but cannot
57 exceed three months (90 days)
- 58 iii. Confiscation of the vehicle is mandatory and will not be returned into the owners'
59 possession until the persons' license suspension has ended.
- 60 iv. A fine will be issued that will not be less than three thousand (3,000) dollars and
61 cannot exceed five thousand (5,000) dollars
62
- 63 6) Upon being charged with a fourth DUI citation in violation of above, the driver will
64 suffer the consequences of:
- 65 i. The drivers' license will be permanently revoked.
- 66 ii. The vehicle will be confiscated and auctioned.
- 67 iii. A fine will be issued that will not be less than five thousand (5,000) dollars and
68 cannot exceed fifteen thousand (15,000) dollars.
- 69 iv. The driver will be charged with attempted manslaughter.
- 70 7) Those with prior DUI offenses before the action of this bill has taken place, upon
71 receiving another DUI, after this bill has been put into effect, will suffer the
72 consequences of the offense of which the person is on. If this is the persons fourth or
73 more DUI offense, he/she will be held on the grounds of sub-section 6 (lines 55 and 59)
- 74 8) However, BAC levels may be affected by using such products as, inhalers for medical
75 reasons, and various medications. If under suspicion of driving under the influence, the
76 driver may present proof of these medication needs, from his/her physician. If the drivers
77 BAC level is above the "Per Se" BAC level, and the medication does not supply patients
78 with such high BAC levels, Section 2, Action (lines 22 p.1 – lines 30p.2) will begin for
79 said person.
80

81 **Section 2. Funding:** Funding, if any, for this bill will be drawn from the general fund.
82

83 **Section 3. Effective Date:** This bill will become effective immediately upon passage.
84
85

-end-