

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

_____ Bill Number _____

Legislative Action:

Introduced by: Denver Jones
Authored by: Brock Forett & Denver Jones

House Committee: _____
House: _____
Senate Committee: _____
Senate: _____
Governor: _____

Delegation: Jefferson High School

Referred to Committee: _____

1 A BILL FOR AN ACT ENTITLED: "An Act to Establish a Law Which Designates a Third DUI
2 a Felony Offense"

3

4 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

5

6 **Section 1. Section 61-8-731 of the MCA is amended as follows:** Driving under
7 influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty
8 for Fourth Third or subsequent offense. 1) Except as provided in subsection (3), if a
9 person is convicted of a violation of 61-8-401 or 61-8-406 and the person has either a
10 single conviction under 45-5-106 or any combination of Third two or more prior
11 convictions under 45-5-104, 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-
12 5-104 occurred while the person was operating a vehicle while under the influence of
13 alcohol, a dangerous drug, any other drug, or any combination of the three, as provided
14 in 61-8-401(1), the person is guilty of a felony and shall be punished by:

15

16 (a) sentencing the person to the department of corrections for placement in an
17 appropriate correctional facility or program for a term of 13 months. The court shall
18 order that if the person successfully completes a residential alcohol treatment program
19 operated or approved by the department of corrections, the remainder of the 13-month
20 sentence must be served on probation. The imposition or execution of the 13-month
21 sentence may not be deferred or suspended, and the person is not eligible for parole.

22

23 (b) sentencing the person to either the department of corrections or the Montana
24 state prison or Montana women's prison for a term of not more than 5 years, all of which
25 must be suspended, to run consecutively to the term imposed under subsection (1)(a);
26 and

27

28 (c) a fine in an amount of not less than \$1,000 or more than \$10,000.

29

30 **Section 2.** This Bill will go into effect on May 30, 2010