

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Vice Chairman Al Bishop, on March 16, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V.Chairman Al Bishop, Senators Tom Beck, Mike Halligan, Joe Mazurek, Loren Jenkins, John Harp and Bill Yellowtail.

Members Excused: Bob Brown and R. J. "Dick" Pinsoneault

Members Absent: None

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: Senator Bishop announced that members of the committee were to be in and out of the meeting as they were required to be in other hearings during some of the same time. He conducted the first part of the meeting.

HEARING ON HOUSE BILL 606

Presentation and Opening Statement by Sponsor.

Representative Ed Grady of Canyon Creek, representing District 47, opened the hearing with a prepared opening statement (Exhibit 1). The purpose of the bill was to allow parents to provide non-intoxicating amounts of alcohol to their child. He said the bill had been drafted at the request of constituents of Rep. Dorothy Bradley of Bozeman, since Rep. Bradley's legislative workload had been too heavy.

List of Testifying Proponents and What Group they Represent:
There were none.

List of Testifying Opponents and What Group They Represent:
There were none.

Testimony:

There was none.

Questions from Committee Members:

Senator Yellowtail asked if parents would be required to test their children for intoxication. Rep. Grady said no, there would have to be a common sense approach. He said the bill also provided that a person providing an intoxicating quantity of alcohol to a person under 21 years of age subject to civil liability for tortious acts committed by the person while intoxicated.

Closing by the Sponsor:

Rep. Grady closed the hearing.

HEARING ON HOUSE BILL 495

Presentation and Opening Statement by the Sponsor:

Representative Bill Strizich of Great Falls, representing District #41, opened the hearing. He said the bill simply clarifies "possession" of intoxicating substances. Problems occur for school authorities when students come to school in an intoxicated state or high on drugs. Under present statute, authorities cannot intervene. This bill will allow a means for dealing with the problem.

List of Testifying Proponents and What Group they Represent:

Judy Griffith, Helena Project Care, Lewis and Clark DUI Task Force, her own Chemical Dependency Counselling and Consulting, Helena School District Chemical Awareness Programming

Janet Gray, herself

Mike DaSilva, Lewis and Clark DUI Task Force

Barb Moy, Lewis and Clark County, Stop DUI Coordinator

Ruth Hodges, Lake County DUI Task Force

Raelene Beaton, Lewis and Clark County Commissioner and Stop DUI

Captain Robert Sayer, Great Falls Police Department

Claire Cantrell, Gallatin County Task Force

Leonard Wharton, Jefferson County Task Force

Gary Davis, Great Falls High School

Steve Henneberg, C. M. Russell High School

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Judy Griffith said she had been working with young people and adults on alcohol issues for 10 years and she strongly urged passage of the bill with some amendments. Alcohol use by youth is out of control, she said, because of ambiguous messages from adults that minor possession charges are not being

taken seriously. Some students have made a game of collecting citations, posting them on their locker doors and laughing and joking about them, she said. She distributed a fact sheet (Exhibit 2) and results of a survey (Exhibit 3) to members of the committee. She said one fact not indicated by the survey was that 18 to 20% of all students surveyed, grades 7 through 12, said they had their first "drunk" at age 12 or before. She called attention to the blackout statistics, where students use, drinking and driving and problems resulting from alcohol. She said we need to tell these students that they are too important for us to look the other way. Children who have their first drink at 13, she stated, can become addicted in 6 months to 2 years, whereas it may take 20 years for an adult. She said a change in the bill for youngsters to age 21 to consume, but not to be in possession, was an inconsistency and took the teeth out of the law. She said that alcohol, in many cases, diminished the potential of students.

Janet Gray, aged 17, a senior in high school, and an alcoholic, said the bill needs to be strong enough to address have an impact. She said most kids laugh about possession citations. She urged the law to be the same for all kids up to the age of 21. When she drank, she thought she couldn't be arrested for possession if she consumed all the alcohol in her possession. She told of a youth who died in a DUI incident a year after receiving his drivers license. Many kids get off, she said, for a first offense. She urged passage of the bill. She submitted her notes (Exhibit 4) as well as a copy of a magazine article (Exhibit 5) for the committee's perusal.

Mike DaSilva said he chaired the Lewis and County DUI Task Force and that his group were from the city and county school systems, senior citizens, parents and other concerned citizens. He said a person who does not have alcohol in his hand is not considered in possession. Having consumed alcohol also constitutes possession, he said. He urges putting the 18 to 21 year old group back into the possession law.

Barbara Moy reiterated Mike DaSilva's testimony. She local alcohol and drug counsellors have seen kids with 4,5 or 6 MITs and they thought it was a joke. One she knew of had 16 MITs, she told the committee. She said she had worked with troubled youth in many capacities and that kids will "beat the system" whenever they can. She asked for support of the bill, including the suggested amendments.

Ruth Hodges said that, in 1988, the state of Montana Board of Crime Control had alarming statistics on the problem of youthful drinking and problems.

Raelene Beaton spoke in support of the bill and urged the amendment including persons to the age of 21.

Captain Rob Sayer of the Great Falls Police Department viewed this bill as a necessary tool. He said that last year the police department had a security force at the state fair. Around midnight every night, he stated, inebriated youngsters were rounded up and were taken home to their parents. This bill would give them the ability to meet the problem head on, he said.

Clair Cantrell said that current law frustrates officials and urged that the law be tightened up so they can do their job.

Leonard Whartman, urged support of the bill.

Gary Davis, dean of students at Great Falls High School, said he daily dealt with alcohol and drug problems. Recently, he had 5 youths in his office recently who were all high on marijuana. They had all smoked from one pipe, he said, yet only one was arrested for possession. And, he said he was left with 4 who were "higher than a kite" and he had to figure out what to do with them. This dilemma also sends a message to other students, he commented, that it was OK for them to come to school under the influence of illegal substances. He felt the safety and welfare of all students, including the offender must be considered. He felt the responsibility of school authorities and police must also be considered. He strongly urged passage of the bill.

Steve Eneberg, dean of student at C. M. Russell High School. He said his school also had to deal with students showing up under the influence at extracurricular activities and causing problems. He said the school-related problems could be dealt with, but that it was possible for the youths to

"slip through the cracks" and later be driving and causing injury to themselves or to others. He urged passage of the bill.

Questions From Committee Members:

Senator Mazurek wondered how broadening the law would affect the "game playing" aspect of the situation. Barb Moy thought the bill would reduce the number of players, as youths driving around in a car could get picked up even if there was no alcohol in it.

Senator Mazurek said criminalizing consumption would be appropriate in getting treatment, but he wondered if it would be consistent with adult law. Rep. Strizich said he thought it was, given the compromise of including youth aged 18 through 21. He said the role of youth court was considerably different from other courts aimed at adults. Under our constitution, we can do things relating to youth in the best interest of them, he said.

Senator Mazurek said present law doesn't allow for this issue. Rep. Strizich agreed.

Senator Beck asked if a breathalyzer test would be used on youths who were picked up under suspicion. Representative Strizich said it would place the burden of "probable cause" on the police officers. Captain Sayer said the police are not allowed to demand a blood test, but that, generally, the kids would admit to their intoxication. He said the police can't give breathalyzer tests without the permission of the parent.

Senator Beck asked if penalty was \$100. Capt. Sayer said it was \$100 for adults and \$50 for under 21.

Closing by Sponsor.

Representative Strizich said the exemption in the bill came about as a compromise on the floor of the House. The main reason for the bill was because of the problem in the schools, he said. He announced that Senator Vaughn would carry the bill on the floor of the Senate.

HEARING ON HOUSE BILL 393

Presentation and Opening Statement by Sponsor:

Representative Paula Darko of Libby, representing District

#2, opened the hearing said House Bill 393 was intended to coordinate with HB 495, just heard and had been amended quite a bit to pass. It now increases the penalties for persons cited for possession over the age of 18 and also orders community-based substance courses whether or not they can pay for them. The bill, she said, ordered some kind of community restitution in payment for the course, if the person cannot pay for it. She said the bill did not pass the House overwhelmingly because it increased the penalty for mischief. She called attention to the penalties on page 18. She said the compromise reached provided for a graduated penalty schedule for additional citations. She said multiple citations were a problem that needed to be addressed.

List of Testifying Proponents and What Group They Represent:

Wallace Jewell, representing the Montana Magistrates
Association
Barbara Moy, Lewis and Clark Stop DUI Task Force

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Wally Jewell said it is frustrating when youths come through the courts as many as 22 times for possession. He urged concurrence of the bill presenting written testimony to the committee (see Exhibit 6).

Barbara Moy concurred with the testimony given by Rep. Darko.

Questions From Committee Members:

Senator Beck asked if a youth with a DUI would receive the same penalty as an adult. Rep. Darko said they would receive revocation, over or under 18 years of age. He asked if the fine would be added on and she said she thought so, but felt it would be up to the judge.

Senator Yellowtail asked if the problem wasn't the same for a 19-yr.-old senior in high school as an 18-yr.-old when "consumption" could be used. The reason for the language to raise the penalties on the 19- to 21-year-old, she said, was to strike a compromise by making it harder to convict a minor of possession.

Closing by Sponsor:

Rep. Darko closed saying she felt the penalties would help possession offenders to realize the seriousness of the offense. She said Senator Vaughn would carry the bill.

At this point in the hearing, Chairman Crippen returned to the meeting and assumed the chair.

HEARING ON HOUSE BILL 425

Presentation and Opening Statement by Sponsor:

Representative John Vincent of Bozeman, representing District #80, presented statistical charts calling attention to the problem of DUIs. He said that, on Friday and Saturday nights, the national average of drunk drivers is 1 in 10, but that in Montana, it is higher even up to 6 or 7 out of 10. For every 2000 drunk drivers on the road, he said, only one is ever arrested. The leading single cause of death for Montanans aged 15 to 40 is drunk driving. The percentage of drunken driving deaths has risen 10% since 1986. He thought deterrence, punishment and help were the ways to approach the problem. He said that drunken driving is the greatest cause of years of life lost in America. He commented that HB 425 had been improved with the amendments added in the House as it shifted toward treatment and rehabilitation, and not just license suspension. Secondly, it makes sure that anyone who commits a second offense gets the penalty for a second offense, he stated. Many citizens who have had the mandatory 1 day in jail go "per se" on the second offense and escape a mandatory day in jail. They have, he said, been getting a lesser penalty on the second offense. The third thing the bill does, he said, is to state that, for purposes of establishing previous convictions, the clock is running between the first conviction to the next offense, rather than from the first conviction to the second conviction. This, he said, is a technical point to help judges administer the law. The bill stiffens the penalties on the third offense, making the fine between \$500 and \$100 mandatory, rather than discretionary, he added. Present law mandates a jail term, but not a fine. Many states have much stiffer penalties, he commented. He said that, as originally introduced, the bill struck the provision in present law that if a DUI has no additional offenses over a period of 5 years, the initial offense is stricken. This was amended out in the House, but he thought it should have been left in because it did not

give the judge a clear picture of the number of DUIs a person might have. He distributed an article about Montana law "being soft on repeat offenders" (Exhibit 7). He asked the committee to consider putting that amended language back in.

List of Testifying Proponents and What Group They Represent:

Mike Ruppert, executive director of the Boyd Andrew Chemical Dependency Care Center in Helena, Chemical Dependency Programs in Montana, County DUI Task Force
Bill Elliot, Highway Traffic Safety, Department of Justice
Mike DaSilva, Lewis and Clark DUI Task Force
Alice Armstrong, Lewis and Clark DUI Task Force and herself
Barbara Moy, Lewis and Clark DUI Task Force
Ruth Hodges,
Leonard Whartman, Jefferson County Task Force
Raelene Beaton, Lewis and Clark County Commission
Darryl Bruno, Department of Institutions
Wally Jewell, Montana Magistrates Association

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Mike Ruppert said the Boyd Andrew Center attempted to address people with and without drinking problems. He said there are misconceptions about the schooling they do. His center asks how many times an individual has broken the DUI law before getting caught. The average answer is 280 times, he said, and the maximum was 7,000 times. One woman had 6 DUIs in one year. She came to his center as a second offender because of the 5-year statute of limitations, and had never been to treatment. She still didn't think she had a drinking problem, he stated. People can benefit whether or not they go into treatment willingly, he added. He suggested amending the bill and presented the amendment to the committee (Exhibit 8). One assured certification of counsellors, under a point system. The second will provide the offender with a choice of which state-approved program and which treatment program they prefer to attend.

Bill Elliot said he is a training officer and files DUI data directly from DUI records. He called attention to Rep. Vincent's Exhibit (reverse side of Exhibit 7 - Analysis of Montana DUI Convictions for Years of 1985 through 1988) and, in particular the multiple offense figures. He said that in 1988, there were approximately 2,000 DUI offenders in Montana and, of that number, over 1/3 were subsequent offenders. Most of those get their drivers licenses back

with only proof of financial responsibility. He approved of the bill's requirement of treatment and requirement of punishment for a second offender and urged concurrence of the bill.

Mike DaSilva said many drunk drivers are on the road without getting picked up. He agreed with the bill's attempt to lessen the number of DUI "crashes" by reducing the number of people who drive drunk. He said the chance of getting picked up are slim for a problem drinker getting a DUI, and that the chances for getting picked up a second time are nearly zero. But, he stated, the bill will require treatment and he urged concurrence of the bill.

Alice Armstrong said she spoke as a nurse in noting that an alcoholic has a health problem. She said part of the problem is because alcohol is a socially accepted drug. When she worked as a school nurse, alcohol was considered to be one of the most damaging drugs. Unless treatment is forced, few alcoholics have any insight to their problem. Nearly everyone in society is affected by alcoholism, she said, through relatives or acquaintances. She said she had been hit by a DUI quadriplegic driver, with no insurance, who was convicted before and since and not jailed. She urged passage of the bill.

Barbara Moy (Exhibit 9) said sometime within the year, at least one member of the Senate would be impacted by a drunk driver. She said some first time offenders had blood alcohol levels of .30. Ten years ago she felt victimized when she was hit by a DUI offender, who did not even get a citation, she added.

Ruth Hodges said she felt that suspension and treatment would reduce offenses. She felt that driving should not be reinstated without completion of a course.

Leonard Whartman said he would like to make a comparison. He mentioned a case in which 5 children were gunned down on a school yard, causing a great outcry and demand to ban the type of weapon used. He told of a drunk driver hitting a school bus head-on, killing 27, yet there was no outcry against drunk drivers. Some legislators even say that every drunk driver is deserving of one mistake, he commented. If drivers know this law is on the books, he said, it might prevent the killing or injuring of innocent victims. We need laws now, he said, and he felt he knew because he himself was a recovering alcoholic.

Clair Cantrell said her group encouraged Rep. Vincent to sponsor the bill and she urged its passage.

Raelene Beaton stood in support of the bill to eliminate repeat offenders. She thanked the legislators for funding DUI programs.

Darryl Bruno said the Department usually does not stand in support of this type of legislation. However, this time it did because it required treatment.

Wally Jewell supported the bill and presented written testimony to the committee (Exhibit 10).

Questions From Committee Members:

Senator Jenkins asked for clarifications on the House amendments to the bill. Rep. Vincent said he did not approve of the amendments on page 3, lines 3-6.

Senator Mazurek asked if Rep. Vincent would object to treating expungement in such a way that the records would be available but not public. Rep. Vincent said he would agree to that. He said if you run a red light or have a speeding ticket, those remain on your record. He thought it was inconsistent to remove DUI records.

Senator Beck asked Mr. Wharton if he was forced to go in for treatment and the answer was yes, that he felt he was being persecuted. He felt being confronted with what he was and forcing him to look at the consequences changed him.

Rep. Halligan asked Wally Jewell to comment on expungement. and was told that DUIs should remain on the record. Insurance companies need to know as well as judges, he said.

Closing by Sponsor:

Rep. Vincent closed showing a bumper sticker which read: Drunk drivers bring families together -- at the funeral. He also told some of the penalties of other states for first offenses. In Nebraska, the penalty is a mandatory 7 days, in jail, in Alaska - 3 days, in Colorado - 5 days, in California - 4 days and Oklahoma - 10 days. He thought it was good to compare because of those who think this bill is too strong. He also stressed the rehabilitative side of the bill. He urged concurrence.

HEARING ON HOUSE BILL 582

Presentation and Opening Statement by Sponsor:

Representative Ralph Eudaily of Missoula, representing District #60, opened the hearing saying the bill would authorize a judge to require a person to install an ignition interlock device when convicted of DUI. He distributed three handouts (Exhibits 11, 12, 13) to committee members and showed a video which explained how the interlock device would work. The device would be installed in a vehicle and the driver would have to pass a self-given breathalyzer test in order to unlock the ignition. He said that California passed the law providing judges with this option in 1988 and that other states also have enacted it. He said the bill was drafted by the law school and was designed to fit with current penalties, and had been amended in the House. It would, he stated, grant immediate rule-making authority to allow the Department time to get it in place. However, he said, Sections 1 through 7 would not become effective until July 1, 1990. He said the bill would not make the device a required penalty, but only an option for a person convicted repeatedly of DUI.

List of Testifying Proponents and What Group they Represent:

Wallace Jewell, Montana Association of Magistrates

Peter Funk, Department of Justice

Ruth Hodges, Lake County DUI Task Force

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony: Wallace Jewell presented written testimony in favor of the bill (Exhibit 14).

Peter Funk said he supported the bill but didn't think it would take a whole year to work out problems. He thought they could easily be worked out by July 1, 1990.

Ruth Hodges presented written testimony to the committee (See Exhibit 15) supporting the bill.

Questions From Committee Members:

Senator Halligan asked about the language on page 4, line 3 as follows: "The restriction commences after any period of revocation or suspension imposed under Title 61, chapter 5, part 2." Some people don't think they have a problem, he

commented, so even without a license they go out and drive. He wondered why the restriction couldn't be imposed on the day of a conviction or a plea. Peter Funk said that was the way the bill was drafted. From the department's point of view, it would be easier to enforce the bill if a judge were going to order the installation at the same time he rendered the sentence. Quite often, he said, a driver is licensed before the expiration of the period of revocation or suspension for any first time drinking and driving offender, if the judge recommends it. And that, technically, means that they are not suspended, but are operating with a probationary license, he said. After 3 months of a 1-year revocation, under other statutes not included in this bill, this can happen, he stated. So, it was not as clear as the bill would indicate, he said. He agreed with Senator Halligan's suggestion.

Senator Jenkins asked how the ignition lock would work when a person has several vehicles. Mr. Funk said that, in his opinion, that would be up to the sentencing judge to deal with. He didn't think their rules would deal with that type of consideration.

Senator Mazurek asked if it was anticipated that the companies who make the locks would appear here. Rep. Eudaily said there were two major companies who make the devices at the present time. There is a distributor for Guardian in the state, but they are not legal to use in Montana at present.

Closing by Sponsor: Rep. Eudaily said the bill provided another method of dealing with DUIs. He said his proposed amendment was just to make the language consistent on pages 4 and 7. He closed the hearing.

ADJOURNMENT

Adjournment at 12:00 noon.



SENATOR BRUCE D. CRAPPEN, Chairman

BDC/rj

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 3-16-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN			✓
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT			✓
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

HOUSE BILL 606 -- effects:

- * Provides that a parent or guardian may provide alcohol beverages in less than intoxicating quantity to his/her own child under age 21.
- * Defines "intoxicating quantity" to mean that amount of alcohol which produces significant mental or physical impairment, or a blood alcohol content of .05 or greater.
- * Provides that a person over 21 who provides alcohol in intoxicating quantity to a person under 21 is civilly liable for any tortious act judicially determined to be the result of that intoxication.
- * Clarifies and cross-references current contradictory laws. Sections 45-5-622 and -623 appear to ban parents from giving any alcohol to their own children due to the vagueness of whether the phrase, "contributes to the delinquency of a child" refers to the giving of the alcohol itself, or some other delinquent act caused by the alcohol provision. Conversely, 16-6-305 allows parents to give alcohol to their children for "beverage" purposes without limit on quantity. HB 606 attempts to strike middle ground between these two extremes.
- * Does not extend the authority of parents to give alcohol to their children beyond present law; in fact, it sets limits.
- * Does not allow adults other than parents to give alcohol to their children, except doctors or pharmacists for prescribed medical uses, or ordained priests or ministers in connection with religious rituals.
- * Does not extend the liability of tavern owners beyond present law.
- * Does not change present law with respect to public drinking by minors.

Intent of HB 606:

- * To clearly allow parents to provide their own children with moderate amounts of alcohol, such as a glass of wine at dinner.
- * To prohibit parents from getting their children drunk.
- * To allow early intervention into family situations where parents get their children chronically or substantially drunk, or allow them out in public while drunk, before more serious offenses occur.
- * To extend the liability of persons over 21 who get underaged persons drunk to specifically include parents and members of the public.

Rationale for HB 606:

- * Studies have consistently shown that (a) youths who learn to drink in family settings have fewer alcohol problems than youths who learn to drink with peers, and (b) family settings promote more moderate use of alcohol by both youths and adults than peer-only settings. HB 606 promotes both moderation and family context for alcohol use.
- * Parents need clear and reasonable guidelines covering alcohol provision, rather than the contradictory mishmash of present law that makes no distinction between parents who provide a glass of wine at dinner and parents who throw keggers for their children.
- * There is no medical evidence that light or moderate drinking by youths promotes alcoholism, but there is evidence that heavy chronic drinking impairs minors more than adults. HB 606 separates these practices.
- * HB 606 is likely to be enforced only in clear cases in which parents get their children repeatedly or very drunk. If a youth refuses to take a BAC test, conviction can occur from the impairment standard.

- Average age of first alcohol/drug use of American youth is 11 to 13
- 19% of young people age 12 to 17 have a serious drinking problem, double the adult statistics.
- One - fourth of all high school students smoke pot once a week to daily. 6% of children ages 10-13 smoke pot at least once a week.
- Over 5% of 10-13 year olds admit to getting drunk at least once a week.
- Cocaine use is on the rise among high school students; 5% of 14-18 year olds admit to use of this drug. It has even entered grade schools. 1% of 6th - 8th graders snort cocaine and over 35,000 admit that they routinely use it once a week.
- Substance abuse in America is the highest of any developed country in the world.
- The adolescent death rate from accidents, overdoses and suicides related to chemical use is skyrocketing according to the Surgeon General.
- The single leading cause of death among young people is drunk driving. The second leading cause of death is suicide. It is not a coincidence that the dramatic rise in alcohol/drug use and the dramatic rise in suicide are occurring at the same time.
- Life expectancy is increasing for every age group except teenagers who are dying at a 15% faster rate than 20 years ago.
- A teenager can become an alcoholic in 6 months.
- One study indicates 88% of sexually active children below the age of 15 use alcohol/drugs.
- A major new sub-group of young mentally ill patients between the years of 18 and 35 is beginning to be seen by doctors. These patients are found to be rootless, unemployed and heavily used alcohol and other drugs and either strongly resisted help or for whom no help was available.

"Most of the general public does not see alcohol as a drug. Most people do not think about the alcohol experience as an altered state of consciousness."

- Robert Hammond, Author of "Almost All You Ever Wanted To Know About Alcohol".

"The younger the age at which an individual starts to ingest alcohol, the greater the chances he/she will develop into a chronic alcoholic. The action of the alcohol is channeled directly toward the adolescent's imbalanced hypothalamus and autonomic nervous system, thereby obstructing his emotional maturation on both psychological and physiological levels."

- Dr. J. Valles, Dir, Alcoholism Therapy, Veteran's Hospital, Houston, Texas

"I recommend sparing no effort whatsoever in how a person exercises their responsibility to the user. Searches are in order, use of police to back up parental authority if necessary, and hospitalization are all methods that I have recommended and have seen used. Someone who cares must intervene, totally, consistently, and with unrelenting perseverance. Efforts short of an all-out effort generally fail."

- Dr. Harold Voth, Sr. Psychiatrist, Meninger Foundation

"The best possible solution is parents accepting their responsibilities, asserting their authority & confronting the situation honestly. Through ignorance of what is actually going on, or through feelings of shame & helplessness, many parents have been abdicating their responsibilities in this area to schools, agencies & police. Direct parental involvement stands as one of the most hopeful signs for the future."

- I. Doqoloff, White House Drug Policy Advisor

TABLE 1

Percent of Helena School District No. 1 Students and 12th Graders Across The Country Who Have Ever Tried A Drug*

	<u>7th - 8th</u>	<u>9th - 10th</u>	<u>11th - 12th</u>	<u>National**</u> <u>12th</u>
Alcohol	67%	88%	95%	92%
Cigarettes	37%	48%	55%	67%
Marijuana	10%	21%	41%	50%
Cocaine	2%	3%	7%	15%
Stimulants	6%	12%	22%	22%
Legal Stimulants	5%	15%	19%	***
Inhalants	12%	12%	10%	17%
Nitrites	< 1%	2%	2%	5%
Downers	1%	3%	4%	7%
Quaaludes	< 1%	2%	2%	4%
Tranquilizers	< 1%	2%	2%	11%
Hallucinogens	2%	5%	11%	10%
PCP	< 1%	1%	2%	3%
Narcotics other than heroin	3%	6%	8%	9%

Information about crack, heroin, and smokeless tobacco is available in Part III.

** Throughout this report most figures are rounded to the nearest percent.*

*** The national data on drug use among high school seniors are from the annual national surveys funded by the National Institute on Drug Abuse and conducted by the Institute for Social Research at the University of Michigan.*

**** Data not available.*

11-12 GRADERS
CURRENT USE
(30 DAYS PRIOR TO SURVEY)

	<u>1-2 TIMES</u>	<u>3-9 TIMES</u>	<u>10 OR MOR</u>
ALCOHOL	26%	31%	13%
Drunk	27%	21%	5%
Marijuana	6%	4%	3%
Cocaine	2%	1%	1%
Simulants	3%	1%	1%

53% of 11th & 12th
graders admit
being drunk
during the 30 days.
prior to the survey

HIGH RISK BEHAVIORS

	<u>7-8</u>	<u>9-10</u>	<u>11-12</u>
Blacked out	10%	31%	44%
Drunk Alone	10%	19%	27%
Used Marij & alcohol together	5%	13%	27%
Used Alcohol & other drugs together	5%	10%	15%
Use Marij daily	1%	1%	3%
Used a "Bong"	5%	12%	27%
Used Sensimilla	1%	1%	3%
Used Hashish	2%	4%	9%

WHERE STUDENTS USE

	<u>7-8</u>	<u>9-10</u>	<u>11-12</u>
ON WAY TO SCHOOL	3%	9%	12%
DURING SCHOOL	3%	11%	22%
AT SCHOOL EVENTS	7%	34%	53%
AT PARTIES	25%	58%	76%
AT NIGHT WITH FRIENDS	36%	66%	81%
WHILE DRIVING AROUND	8%	33%	60%
AT HOME	41%	51%	56%

**WHAT PROBLEMS HAVE HELENA SCHOOL DISTRICT NO. 1 STUDENTS HAD
BECAUSE OF ALCOHOL OR DRUGS?**

The survey also asked the students whether they had ever experienced any problems because of their alcohol or drug use. The figures in Tables 11A and 11B show how many students admit that alcohol or drugs have caused them problems, and what types of problems they have had. These percentages are only a base. People who abuse alcohol or drugs often avoid admitting that they are hurting themselves. Thus the following figures are a conservative estimate of these students' problems with alcohol and drugs.

TABLE 11A

Admitted Problems of Helena School District No. 1 Students From Alcohol

	<u>7th - 8th</u>	<u>9th - 10th</u>	<u>11th - 12th</u>
Got a traffic ticket	< 1%	2%	8%
Caused a car accident	< 1%	4%	10%
Got arrested	2%	7%	19%
Caused you money problems	4%	17%	24%
Gotten you in trouble in school	3%	5%	8%
Hurt your school work	6%	12%	20%
Caused a fight with other kids	10%	23%	33%
Caused a fight with parents	8%	21%	29%
Damaged a friendship	6%	15%	19%
Caused you to break something	11%	27%	41%
Made you "black out"	10%	31%	44%

SENATE JUDICIARY

EXHIBIT NO. 4 P. 91

DATE 3-16-89

BILL NO. HB 606

201
- Arthur & Jeanette, 17, Alcoholic
union at A.A.C.

1st time I have ever
supported the legal sys.
before it was a joke.

Exp. exp. I'm not sure
it's up here.

The original exhibit consists
of eight 3"x5" cards. It is
housed at the Historical Society.

I feel it is important
in this bill to pass
because now I think
the present ones aren't as
helpful as they ought
to be.

It needs to be strong
enough to be addressed.
Rather than disregarded

any no worries at all.

- Most kids are amused
when they are pulled
over + cited for possession
It a joke.

It needs to be strong enough to ~~to~~ have an impact. The fear of ~~me~~ being drunk. Resulting in possession will help.

In me. If I got drunk before hand so, no evidence would be on

me. in me yes. They can't do nothing to you for being drunk. ~~with~~ your support of ~~of~~ this bill they can.

Ex. J. Beniga. Got his license because the summer of his first yr. 1yr. before

he got a possession - He died last Aug drunk driving.

For some it's a second possession it leads for a few to death.

The back roads taken for instance;

SENATE JUDICIARY

ENACT NO. 493

DATE 3-16-89

BILL NO. HB 106

Saying it's ^{the} 1st time

using before.

blowing it off.

No serious laws well
subst in repetition getting
worse each time

Show the story:

Please support this
bill

THANK you

Hudd on honor.

Exhibit 4

8 3x5 cards

3-16-89

HB 606

Don't fide

The Cop Down the Street

This article was written by Cpl Dale Martel, NCO in charge of the RCMP Detachment at Field, B.C. and expresses the feeling of most members of the force.

This is an open letter to all parents of all young people everywhere. I am writing in response to some of the questions you ask me daily. I am not one police officer, but I represent every officer in every city and town in Canada.

You may know me only as the cop who gave you a ticket last summer, but I am also the guy who lives down the street from you. I am the parent of three children and I share with you the same hope, ambition and dreams that you have for your children. I am faced with the same problems you have. I share with you these moments of agony and ecstasy. I share with you the feeling of shame, guilt and disappointment when my boy or girl gets into trouble.

The scene is a long stretch of highway with a sharp curve at one end. It has been raining and the roads were slick. A car travelling in excess of 128 km/h missed the curve and plowed into an embankment where it became airborne and struck a tree. At this point, two of the three young passengers were hurled from the vehicle, one into the tree, the other into the roadway, where the car landed on him, snuffing out his life, like a discarded cigarette on the asphalt. He is killed instantly, and he is the lucky one.

The girl thrown into the tree has her neck broken, and although she was voted queen of the senior prom and most likely to succeed, she will now spend the next 60 years in a wheelchair.

Unable to do anything else, she will live and relive that terrible moment over again many times. When I arrive, the car has come to rest on its top, the broken wheels have stopped spinning. Smoke and steam pour out of the engine ripped from its mounting by a terrible force. An eerie calm has settled over the scene and it appears deserted except for one lone traveller who collect it in. He is sick to his stomach and leaning against his car for support.

The driver is conscious but in shock and unable to free himself from under the bent twisted steering column. His face will be forever scarred by deep cuts from

broken glass and jagged metal. Those cuts will heal, but the ones inside cannot be touched by the skilled surgeon's scalpel. The third passenger has almost stopped bleeding, the seat and his clothing are covered in blood from an artery cut in his arm by the broken bone end that protrudes from his forearm just below the elbow. His breath comes in gasps as he tries desperately to suck air past his blood-filled airway. He is unable to speak and his eyes, bulged and fixed on me pleadingly, are the only communication that he is terrified and wants my help. I feel a pang of guilt and recognize him as a boy I let off with a warning the other night for an open container of alcohol in his car. Maybe if I had cited him then, he wouldn't be there now. Who knows? I don't.

He died soundlessly in my arms, his pale blue eyes staring vacantly as if trying to see into the future he will never have. I remember watching him playing basketball and wonder what will happen to the scholarship he will never use. Dully my mind focuses on loud screaming and I identify it as the girl who was thrown from the vehicle. I race to her with a blanket but I am afraid to move her.

Her head is tilted at an exaggerated angle. She seems unaware of my presence there and whimpers for her mother like a little child. In the distance, I hear the ambulance winding its way through the rainy night. I am filled with incredible grief at the waste of so valuable a resource, our youth.

I am sick with anger and frustration with parents and leaders who think a little bit of alcohol won't hurt anything. I am filled with contempt with people who propose lowering the drinking age because they will get booze anyway, so why not make it legal? I am frustrated with laws, court rulings and other legal manoeuvring that restrict my ability to do my job in preventing this kind of tragedy.

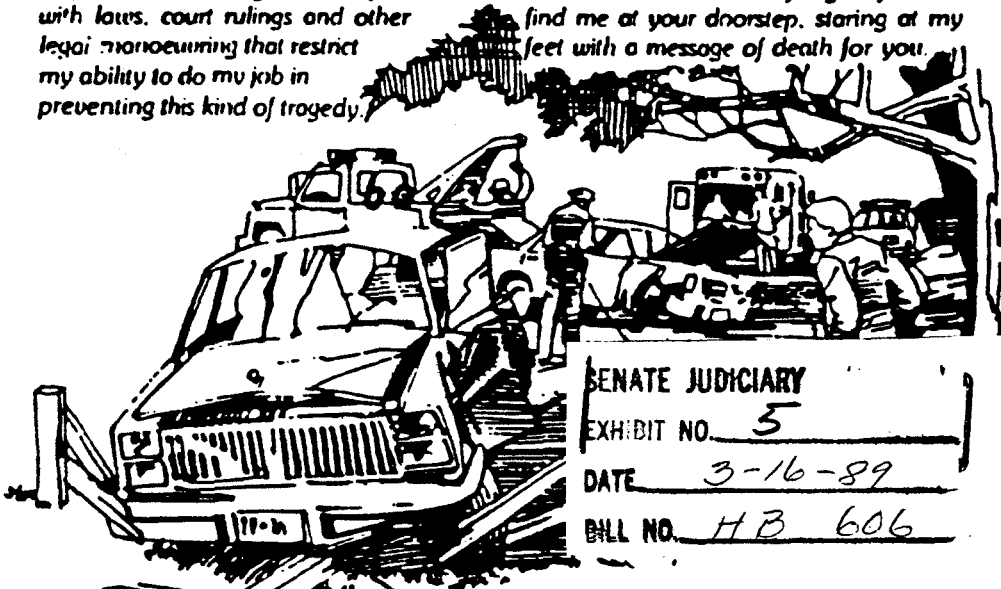
The ambulance begins the job of scraping up and removing the dead and injured. I stand by, watching, as hot tears mingle with rain and drip off my cheeks. I would give anything to know who furnished those young people with that booze. I will spend several hours on reports and several months trying to erase from my memory the details of that night.

I will not be alone. The driver will recover and spend the rest of his life trying to forget. I know the memory of this fatal accident will be diluted and mixed with other similar accidents I will be called upon to cover.

Yes I am angry, and sick at heart with trying to do my job and being tagged the bad guy. I pray to God that I might never have to face another parent in the middle of the night and say your daughter, Susan or your son, Bill has just been killed in a car accident.

You ask me why did this happen? It happened because a young person, stoned out of his mind, thought he could handle two tons of hurtling death at 128 km/h. It happened because an adult, trying to be a "good guy," bought for or sold to some minor a case of beer. It happened because you as parents weren't concerned enough about your child to know where he was and what he was doing; and you were unconcerned about minors and alcohol abuse, and would rather blame me for harassing them when I was only trying to prevent this kind of tragedy. It happened because as people say, you believe this sort of thing only happens to someone else.

For your sake, I hope it doesn't happen to you, but if you continue to regard alcohol abuse as part of growing up, then please keep your porch light on because some cold, rainy night, you will find me at your doorstep, staring at my feet with a message of death for you.



Montana Magistrates Association

16 March 1989

Testimony offered in support of HB393, a bill for an act entitled: "An act relating to possession of an intoxicating substance; increasing the penalty for a person between 18 and 21 years of age who possesses an alcoholic beverage; providing that costs of participation in a community-based substance abuse information course may be paid indirectly through court-ordered community service."

Given before the Senate Judiciary Committee by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The MMA would support any effort to stop the alcohol abuse cycle. It is exceedingly frustrating when a 19 year old youth comes before the court for the 3d time in 6 months for the same offense and the court can do nothing different from the first two times to effect a change in the person's behavior.

It is exceedingly frustrating when a father is in jail for theft and he was so drunk when he was arrested that he can't remember why he was arrested, where he was when he was arrested, or how he got the 6 stitches in his forehead. This same man is upset when it is his 19 year old son who is arrested for illegal possession of alcohol - "where did he get such a crazy idea" said the father.

If we could in some way impress upon our youth that the possession of alcohol is wrong and could lead to worse alcohol related behavior, perhaps our courts would not be spending such a large percentage of their time with alcohol related offenses.

From June of 1986 to June of 1987, there were 329 misdemeanor criminal convictions in Havre City Court. Of these, 65% (213) were alcohol related. Of these 213, 31% (66) were committed by youth under 21 years of age. From January to March of 1988, youth under 21 were responsible for 42% of alcohol related crime in Havre.

At some point in time we hope someone will say enough is enough. If alcohol possession by those under 21 is illegal then we hope the legislature gives the courts the tools with which to work so we can positively effect their behavior.

We encourage you to give HB393 a do concur recommendation.

Wallace A. Jewell.

2A

BONU

Montana DUI: offenders, officials say Law too soft on repeat

By DAN BLACK
The Daily Inter Lake

KALISPELL — Judy Hart can't tell you how many days Randy Turner has spent in jail for drunken-driving, but she'll tell you it hasn't been enough.

She can't give an exact total of the medical bills she has acquired since Turner nearly killed her daughter, Shari, in a grinding collision April 6, 1984, but she figures it's well over \$100,000. And while that is more than enough, the tab is still growing.

Turner, 32, of Coram, was convicted Friday in justice court of driving under the influence. While his driving record says the conviction is his fourth since the 1984 crash, it doesn't reflect DUI offenses more than five years old. If it did, Friday's DUI conviction would be Turner's ninth, dating back to 1975.

Because of state law, a month from now the DUI that critically injured Shari Hart will no longer appear on Turner's driving record.

Turner was sentenced to a year in jail for the DUI and six months for driving while his license was revoked — the maximum in both cases. But court officials said they share Judy

Hart's frustration with Montana law, which has gotten tougher on first-time offenders but does little to slow the number of repeat offenders like Turner.

"He's a menace," said County Attorney Ted Lympus in arguing for the maximum sentence. "Perhaps we can keep him from killing someone for a period of time."

Lympus said he wanted to recommend Turner spend time in state prison. "Unfortunately, the Legislature has not seen fit to provide that opportunity," he said.

Justice of the Peace Stu Stadler assessed the maximum penalty — 18 months in Flathead County Jail.

Turner was intoxicated when his pickup truck strayed across the center line on U.S. 2 east of Columbia Falls and slammed into the left front corner of Shari Hart's car.

Her injuries included two broken legs, a crushed pelvic area, a shattered knee, a broken wrist, broken teeth and facial lacerations from broken glass.

She still suffers double vision, and memory loss, and walking is painful. She faces more operations on her knees and hand, and more treatment for arthritis and neurological disorders.

When Turner was arrested, his record

showed the DUI was only his second. The penalty for a second DUI offense is up to six months in jail. A third offense carries a penalty of up to one year in jail, as do subsequent offenses.

In handing down Turner's sentence, the late Judge James Salansky told Turner he'd have made it longer if the law had allowed.

"Possibly 10 years in prison wouldn't be enough to teach you that your life has got to have some real changes in it," Salansky said.

Before he was sentenced for the 1984 DUI that almost killed Shari Hart, Turner told Judge Salansky, "I feel very bad for what happened. It has compelled me to get help for my alcoholism, and I fully intend to be sincere this time."

He promised the court he would not drive, possess or drink alcohol or socialize with people who did, and would get counseling.

However, a pre-sentence evaluation of Turner found he showed "little if any remorse for the injuries suffered by Miss Hart, and that a situation like this could occur again if drastic measures are not taken."

Turner served his year in jail and was released July 10, 1985.

Four months later, he was back in jail on another DUI charge.

SENATE JUDICIARY

EXHIBIT NO. 7

DATE 3-16-89

BILL NO. HB 425

Vincent
p. 7

ANALYSIS OF MONTANA DUI CONVICTIONS
FOR YEARS OF 1985, 1986, 1987, 1988

	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>
MONTANA CONVICTIONS	8102	7406	6931	6714
OUT-OF-STATE CONVICTIONS	292	232	360	243
TOTAL CONVICTIONS	8394	7638	7291	6957
	<u>PER</u>	<u>PER</u>	<u>PER</u>	<u>PER</u>
	<u>CENT</u>	<u>CENT</u>	<u>CENT</u>	<u>CENT</u>
TYPE OF OFFENSE				
DUI	66.7	63.8	57.7	55.5
DUI PER SE	10.1	10.6	14.5	14.5
TOTAL FIRST OFFENSES	76.8	74.4	72.2	70.0
TOTAL SECOND OFFENSES	19.4	20.6	20.3	22.0
TOTAL THIRD OR MORE OFFENSES	3.8	5.0	7.5	8.0
TOTAL MULTIPLE OFFENSES	23.2	25.6	27.8	30.0
JUVENILE OFFENSES	1.8	1.6	1.1	2.9
ARREST BY AGENCY (In State)				
City Police	46.3	49.6	45.6	50.4
Sheriff	22.3	23.6	26.7	21.0
Highway Patrol	25.9	22.4	24.0	23.7
BIA	3.1	3.0	3.3	3.7
Others and Unknown	2.3	1.4	.4	1.0
OUT-OF-STATE CONVICTIONS	3.4	3.0	4.9	3.4
INAPPROPRIATE ACTION BY COURTS				
Late Tickets		.5	.5	.3
Sentences Contrary to Law		2.9	2.9	1.9
TOTAL	5.6	3.4	3.4	3.2
CONVICTIONS BY SEX				
Male	84.7	84.6	82.9	82.0
Female	15.3	15.4	17.1	18.0
MULTIPLE OFFENSES BY SEX				
Male		90.2	87.4	86.4
Female		9.8	12.6	13.6
MISCELLANEOUS				
BAC Refused			12.7	12.8
Average BAC			.18	.18

Ex 8 Support

EXHIBIT NO. 8
DATE 3-16-89
BILL NO. HB 606

Amendments to House Bill No. 425
Third Reading Copy

Requested by Representative Vincent
For the Committee on the Judiciary

Prepared by John MacMaster
March 15, 1989

1. Page 5, Line 10:

Strike: "PROGRAM"
Insert: "certified chemical dependency"

2. Page 5, Line 24:

Following: "failure."
Insert: "As long as the alcohol information course or treatment program is approved as provided in this subsection the defendant may attend the information course or treatment program of his choice. The treatment provided defendant at a treatment program must be at a level appropriate to his alcohol problem, as determined by the ~~certified chemical dependency counselor.~~"

change to
judge... (13.6)

based upon the recommendation
by the certified chemical
dependency counselor.

Barb May

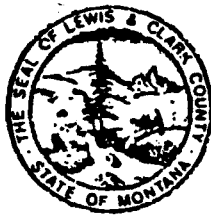


EXHIBIT NO. 9
DATE 3-16-89
BILL NO. City-County Building HB 48
P.O. Box 1723
Helena, Montana 59624
Telephone 406/443-1010

LEWIS AND CLARK COUNTY

STOP-D.U.I. Task Force

Health Department

The Helena/Lewis and Clark County STOP-DUI Task Force supports HB 393, *(HB 425, HB 495, HB 582 and HB 606 for the following reasons: primary focus)*

Drinking is a factor in 80%-90% of traffic fatalities.

A large percentage of individuals arrested for DUI are diagnosed as either alcoholic or problem drinkers.

The BAC of a person arrested for DUI is generally .10% or more, with BAC'S of .18% to .20% being average. To reach a BAC of .10% or more, an abnormal use of alcohol is required.

Because many DUI offenders are either alcoholic or problem drinkers, they need appropriate strategies that compel them to abstain from drinking altogether.

Teenagers are more prone to becoming alcoholic/chemically dependent than adults because their bodies simply are not developed physiologically, psychologically, or emotionally. The younger youth are when they begin to drink, the greater their risk of developing the disease of alcoholism. Currently, alcohol-related motor vehicle crashes constitute the leading cause of death for youth of driving age.

Drug and alcohol counselors in the Helena area are seeing youth who have 4, 5, and 6 MIP charges!

A recent drug and alcohol survey administered to Helena School District # 1 students (grades 7 thru 12) reveals this information:

- 32.8% of students in 11th & 12th grades are "at risk" from alcohol use.
- 60% of students in 11th and 12th grades have reported drinking while driving.
- 20% of students in grades 7 thru 12 have reported their school work is affected by chemical use.

According to H. Laurence Ross, a speaker at a Highway Safety Conference, 1984, "Drunken driving is normal in this society. It is a natural product of our social institutions, in particular our patterns of drinking and recreational activities and our patterns of transportation." Our society will continue to experience the repercussions of alcohol-related incidents and fatalities until the vast majority of people decide that drinking and driving is unacceptable and will not be tolerated. Therefore, the Helena/Lewis and Clark County STOP-DUI Task Force supports the above mentioned House Bills as they will provide for stricter enforcement and handling of persons who unlawfully use intoxicating substances.

It's because we care.



Mike Hanson
Age 10
Middle School

Ex 111

SENATE JUDICIARY

EXHIBIT NO. 10

DATE 3-16-89

BILL NO. HB 425

Montana Magistrates Association

16 March 1989

Testimony offered to the Senate Judiciary Committee in support of HB425, a bill for an act entitled: "An act to modify the driving under the influence statutes."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Montana Magistrates Association supports this legislation as it attempts through driver's license suspension/revocation to increase the length of time the limited jurisdiction courts would have jurisdiction.

In March of 1988 I was fortunate enough to attend the National Judicial College at the University of Nevada Reno. It was there that I learned that any action by a court represents the most forceful and probably the first formal action by society against abusive or dependent behavior. Some 80% of our prison populations have drinking problems. Courts in general have yet to be persuaded to intervene at the source of such criminal conduct, preferring to use only traditional criminal sanctions, ie, jail, fine, etc. Judges see more substance dependent people than all the treatment personnel in the country yet many lack expertise in identifying or responding to it.

This is why it is so important that limited jurisdiction judges be able to rely upon the expertise of chemical dependency experts when a sentence is imposed.

Contrary to popular belief, "social drinkers" for the most part are not arrested for DUI. It is now estimated that in most states the probability of DUI arrest is 1 in 280 trips. The chance of no DUI arrest is 97%. Only when you drive DUI about twice a week do you have at least a 50% chance of an arrest.

Of 1208 DUI convictions in Allen County, Indiana, in 1985, 90% were diagnosed as problem drinkers or alcoholics with an average BAC of 0.19%. A 1983 study in Pennsylvania, obtained similar results. Of 21,000 offenders, 75% were either alcoholic or problem drinkers with an average BAC of 0.19%.

In Montana it appears that the "social drinker" is being addressed by current statute but little progress is being made with regard to the multiple offender. In 1985 the multiple offender comprised 23.2% of the total number of Montana DUI convictions, 1879 of 8102. Ever since then that figure has been on the rise; to 25.6%, 1895 of 7406, in

1986; to 27.8%, 1926 of 6931, in 1987; to 30%, 2014 of 6714, in 1988.

The problem of the multiple offender was testified to on 16 February of this year before the House Judiciary Committee by Billings City Judge Don Bjertness. Judge Bjertness testified that near the end of January he had before him in court a man charged with 3d offense DUI, at least that is what the man's records indicated. But Judge Bjertness knew otherwise because he had seen him many times before in Billings City Court; SIXTEEN times for DUI in the past 25 years. After the hearing Judge Bjertness indicated to me that the man's wife had been convicted of DUI TWELVE times.

In the Helena INDEPENDENT RECORD of 12 March the case of Randy Turner was reported, he has only had NINE DUI's and in 1984 told the judge "I fully intend to be sincere this time." Four months after his release from jail he was back with another DUI charge.

If stronger treatment measures were incorporated into current statute and the limited jurisdiction courts were given more time to effect a behavior change, we think the number of multiple offenders would decrease.

I encourage you to support this legislation and to give it a do concur recommendation from this committee.

Wallace A. Jewell

Eudaily

SENATE JUDICIARY

EXHIBIT NO. 11

DATE 3-16-89

BILL NO. HB 582

Amendments to House Bill No. 582
Third Reading Copy

Requested by Representative Eudaily
For the Committee on Judiciary

Prepared by Greg Petesch
March 13, 1989

1. Page 7, line 15 through 18.

Following: "."

Strike: remainder of line 15 through "." on line 18

INTERLOCK

Technology

NEWS

...using science and engineering to deter drunken driving



Lawmakers nationwide look at technology to combat drunken driving

Washington state passes 'interlock' bill

The state of Washington passed a bill in May that legislates the use of a new technology to deter drunken driving. The bill is the first of its kind this year and the second in the nation.

The technology, called ignition interlock technology, is contained in a device that, once installed in a vehicle, will deter a driver from starting the engine if he or she is drunk.

"This bill is not designed to give a drunken driver an easy way out," says Sen. Stuart Halsan. Halsan introduced the interlock bill to the Washington Senate before it became an amendment to H.B. 663, a house bill sponsored by state Rep. Dennis Dellwo. "What it will do is give judges the discretion to order use of the interlock device if they feel the convicted driver would disregard other restrictions."

The technology

An ignition interlock device connects a breath analyzer to a vehicle's ignition. To start an interlock-equipped vehicle, the driver must first blow into the breath analyzer. If his or her blood alcohol level meets or exceeds the setting on the device, the vehicle will not start.

Guardian Interlock Systems, Inc., of Denver, Colo., the manufacturer of the Guardian Interlock™ ignition system, has developed new technology that requires the driver to blow into the device a short series of breath pulses in addition to the breath test. This identity "code" deters others from trying to start the vehicle for the intended driver. The Guardian Interlock™ also contains anti-tampering features. (See "Program" story, page three.)

Other legislative activity

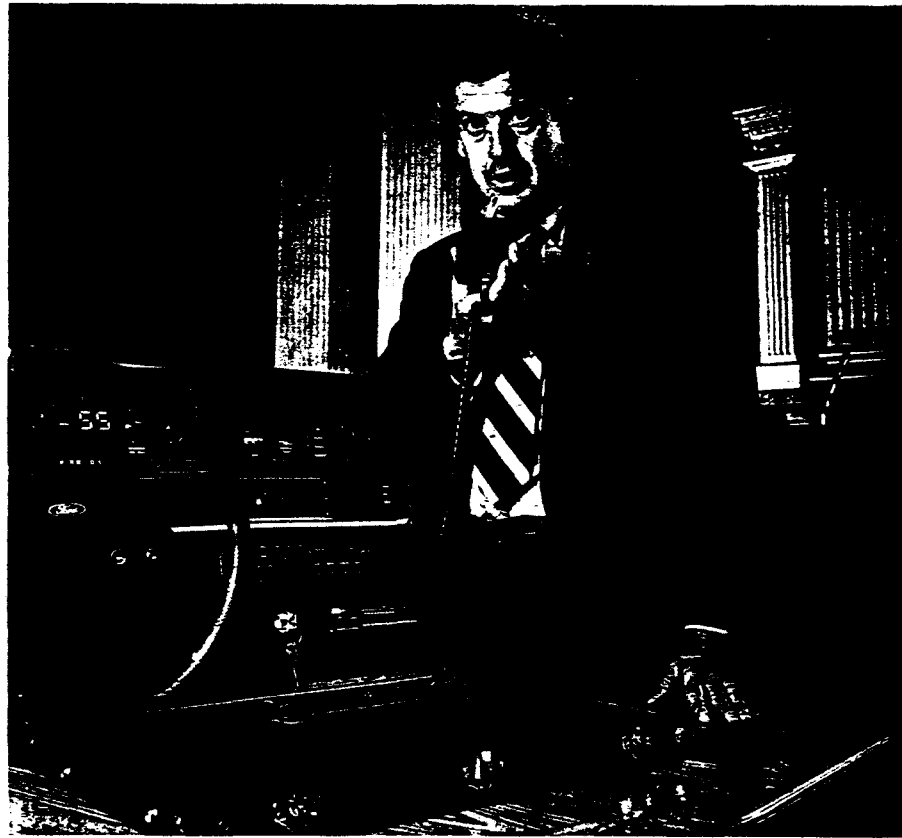
In Texas, state Rep. Betty Denton told the local press that ignition interlock technology may help alleviate problems associated with prison overcrowding.

"Texas has a very large problem with prison overcrowding. Our prison capacity, by court order, cannot exceed 95 percent," explains Denton, sponsor of Texas H.B. 655. "If it does, then the state of Texas is in contempt of the court order. Yet our county jails cannot take the extra prisoners. So if the DWI (Driving While Intoxicated) driver is not going to jail, how do we handle his or her supervision?"

"The interlock system presents an alternative or adjunct to traditional sentencing measures of DWI offenders."

In addition to Texas, lawmakers in Oregon, Alaska, Colorado, Michigan, Florida, Connecticut, South Carolina and New York have introduced bills on the technology to help reduce drunken driving in their states. "And there is much legislative activity elsewhere," says Nancy Nogg, manager of corporate relations at the Guardian company. "At this moment, legislators in Ohio and Massachusetts are either researching or drafting bills on the technology." In addition, resolutions on the technology are pending in Hawaii and Delaware. California passed the first interlock bill in the nation in September, 1986.

Although their states have not yet passed interlock bills, a groundswell of judges in Ohio, Texas, Missouri, Florida, Michigan and Maryland are sentencing selected drunken driving offenders to use the Guardian Interlock™ as part of a condition of probation. The offenders are monitored through the Guardian Interlock Responsible Driver ProgramSM. Since the program was launched last year, not one participant has been re-arrested for drunken driving, according to Kip Fuller, president of the Guardian company.



Colorado Senator Jim Lee tests a model of the Guardian Interlock™ ignition system following a hearing of the state Senate Transportation Committee held in February. Says Lee: "It's easier to drive on revocation than it is on an interlock system. About 80 percent of those with revoked or suspended licenses drive anyway because they don't have a choice."

Preliminary study indicates behavior change

The most promising trend indicated by drunken driving offenders sentenced to use the Guardian Interlock™ ignition system is their change in behavior toward drinking and driving.

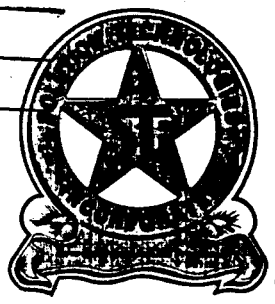
That is one of the results shown in a preliminary study of people convicted of drunken driving in Calvert County, Md., and assigned

See Baker — back page

LEGISLATIVE JUDICIARY
EXHIBIT NO. 13

DATE 3-16-89

BILL NO. HB 582



February 16, 1989

SOLUTION TECHNOLOGIES

incorporated.

State Of Montana
House Judiciary committee

Mr Chairman and Members Of Committee:

For the record I am Carl Seifert, Vice President of sales and marketing for Solution Technologies of Polson, Montana who are the sole representatives for Guardian Technologies. Our Company markets the Guardian Home Arrest systems and the Guardian Interlock system.

I am here today to speak briefly as a proponent to House Bill #582 and to answer any questions I can about the program.

The interlock program as well as Home Arrest is a fairly new concept and has been used very successfully in several other states.

We at Solution Technologies do not recommend the purchase of equipment because the technology is changing so rapidly.

Programs vary in different areas, but some of the procedures are as follows. The program can be handled by Government entities but it is recommended that it be done by a service provider. The service provider does the installation and the periodic checking of equipment. Approximate cost of setting up a service center is \$30,000.00.

Normally the participant is leased the equipment for a minimum of six months. Price of leased equipment varies but a good rule of thumb is that the leased program will be billed at the rate of \$40.00 to \$50.00 per month payable in advance in 60 day increments.

The participant should also pay the installation fee which may vary between \$50.00 and \$75.00 which is a one time charge, however the service provider shall also collect \$20.00 per month payable in advance for checking on possible tamper and making sure the unit is working properly.

In closing, I should mention that I interpret House Bill #582 as written to be permissive rather than mandatory. You might want to take a look at the portion of the legislation as some of the other states have made it mandatory. Guardian has found that unless it is mandatory the programs usually does not get off of the ground, but because of the remoteness of Montana it might not be possible.

Montana Magistrates Association

16 March 1989

Testimony offered in support of HB582, a bill for an act entitled: "An act authorizing a judge to require a person to install an ignition interlock device when convicted of driving under the influence of alcohol or drugs."

Given by Wallace A. Jewell on behalf of the Montana Magistrates Association representing the judges of courts of limited jurisdiction of Montana.

The Magistrates Association urges your support of this legislation, mainly because this legislation would give to the courts another sentencing option that we heretofore have not had. The Magistrates Association is of the opinion that technology is ever on the increase in the area of detention and other criminal justice related fields. The ability of the courts to mandate the use of an ignition interlock device is just one example of such increasing technology.

Under the sentencing option provided by HB582, judges would be more inclined to allow a defendant to have a probationary driver's license if they knew that defendant's vehicle was equipped with an interlock device. In this regard HB582 is just the opposite of punitive; it would allow those persons who otherwise might not qualify for a probationary drivers license to have such a license and to have the freedom to move about the community to maintain their families and occupations.

We understand that there are many arguments that might be raised against such a program. The most frequent argument I have heard is "What's to prevent the defendant from borrowing a friends car to drive?" To that I respond that if I was asked to loan my car to a friend and I knew he had such a device on his car, I would think twice about loaning my vehicle to him.

We hope you give HB582 a do concur recommendation.

Wallace A. Jewell

COUNTY COMMISSIONERS
DON PETERSON
District One
RAY HARBIN
District Two
GERALD L. NEWGARD
District Three

TREASURER
PATRICIA J. COOK

CLERK AND RECORDER
SURVEYOR
LORIN JACOBSON



EXHIBIT NO. 15 ASSESSOR
DATE 3-16-89 LENORE A. ROAT
HB 425 SHERIFF AND CORONER
JOE GELDRICH

CLERK OF COURT
KATHERINE E. PEDERSEN

SUPERINTENDENT OF SCHOOLS
GLENNADENE FERRELL

COUNTY ATTORNEY
LARRY J. NISTLER

JUSTICE OF THE PEACE
CHUCK WHITSON

LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

March 15, 1989

Senate Judiciary Committee
Bruce D. Crippen, Chairman
Room 325
Capitol Station
Helena, MT 59620

Dear Members:

The Lake County DUI Task Force respectfully requests your support of House Bills 425, 334, 393, 495, and 582 for the following reasons:

According to the Montana Board of Crime Control, Repeat DUIs have increased 49% from 1984 to 1987. Repeat offenders with a 3rd or more offense increased 92% from 1985-1987. In 1987 there were 234 fatalities, 59% were alcohol related. Due to the fact that alcohol related fatalities remain the leading cause of death for youth of driving age, it is imperative that our laws amplify that drinking and driving will not be tolerated. The 1988 State of Montana Board of Crime Control, Juvenile Referral Summary Report states that Lake County reported a total of 94 cases where the primary referral was Children in possession of intoxicating substances. Tribal Youth Court reported 96 liquor violations. The State-wide number in both referral categories was 1,484. This indicates that a very high percent of youth court referrals are alcohol related.

In 1987, Lake County reported a total of 395 DUI convictions or 23.1 per 1000. It is obvious that immediate action must be taken to increase the awareness that Drinking and Driving is causing unnecessary deaths, that it is not acceptable behavior and without appropriate treatment we will continue to see multiple offenders and an increase in alcohol related traffic fatalities.

Sincerely,

Ruth Hodges
Director

Lake County DUI Task Force

WITNESS STATEMENT

NAME MIKE DASILVA BILL NO. HB 425

ADDRESS 157 Wedgewood

WHOM DO YOU REPRESENT? HLN LDC Co. STOP DUI TASK FORCE

SUPPORT OPPOSE _____ AMEND _____

COMMENTS: _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

SENATE JUDICIARY COMMITTEE

BILL NO. HB 425 DATE 16 MARCH '89.

SPONSOR _____

Bill #

HB 425

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Wally Jewell	MT MAG ASSOC	X	
Judy Griffith	Helena Project CARE	X	
Wally Jewell	MT SELF	X	
Rayleen Beaton	Helena-City Commissioner	X	
Lois K. McMeekin ^{HB 425,} 393,495,582	Helena - Stop DUI Task Force		
Dale F McMeekin	Helena Stop DUI & AHRP		
Eric Eggert	RITS Justice	✓	
Mike Pappas	Boyd Andrew CDC	X	
Leonard Whitman	Jefferson Co. DUI Task Force	X	
MIKE DASILVA	HELENA LSC & DUI Task Force	X	
Sue Kungurken	Chem Help Programs of Montana	✓	
Bob May	H&CLARK CO. STOP DUI COORD	X	
Naive Cantrell	Bozeman, MT	X	
Mike Cronin	Helena STOP DUI Task Force AAA	X	
Ben Howard	MT Motor Carriers Assn	X	
Shelley Laine	City of Helena	X	
J. Anne Davis	Dept of Justice	X	
Alice Armstrong	L-C - DUI Task Force	X	
Wally Jewell	MT MAG ASSOC	X	
Wally Jewell	" " "	X	

HB 382
HB 393

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. X

D.P. CRAFT JEFF CO DUI TASK FORCE