

CHAPTER NO. 56

HOUSE BILL NO. 75

INTRODUCED BY KANDUCH

BY REQUEST OF THE ATTORNEY GENERAL

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Judiciary.
January 6, 1979	On motion joint rule 6-6 suspended and sponsor's signature allowed to be added to Pre-Filed bill.
January 12, 1979	Committee recommend bill do pass as amended. Report adopted.
January 13, 1979	Printed and placed on members' desks.
January 15, 1979	Second Reading, do pass.
January 16, 1979	Considered correctly engrossed.
January 17, 1979	Third Reading, passed. Transmitted to Second House.

IN THE SENATE

January 18, 1979	Introduced and referred to Committee on Judiciary.
January 31, 1979	Committee recommend bill be concurred in as amended. Report adopted.
February 2, 1979	Second Reading, concurred in.
February 5, 1979	Third Reading, concurred in as amended.

IN THE HOUSE

February 6, 1979	Returned from Second House. Concurred in as amended.
February 7, 1979	Second Reading, pass consideration.
February 8, 1979	Second Reading, amendments rejected.
	On motion Joint Conference Committee requested.
February 9, 1979	Joint Conference Committee appointed.
February 15, 1979	Second Reading, adopted.
February 16, 1979	Third Reading, adopted.
February 20, 1979	Adopted by Senate. Sent to enrolling.  Reported correctly enrolled.

1                    HOUSE    BILL NO. 75  
 2    INTRODUCED BY \_\_\_\_\_  
 3                    BY REQUEST OF THE ATTORNEY GENERAL

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 5    A BILL FOR AN ACT ENTITLED:    "AN ACT TO AMEND SECTION  
 6    61-8-714, MCA, BY DEFINING 'CONVICTION', AS USED IN THAT  
 7    SECTION, AS A FINAL CONVICTION OR A FORFEITURE OF BAIL OR  
 8    COLLATERAL DEPOSITED TO SECURE THE DEFENDANT'S APPEARANCE  
 9    WHICH FORFEITURE HAS NOT BEEN VACATED."

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 11    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12            Section 1. Section 61-8-714, MCA, is amended to read:

13            "61-8-714. Penalty for driving while intoxicated. (1)

14    Every person who is convicted of a violation of 61-8-401  
 15    shall be punished by a fine of not less than \$100 or more  
 16    than \$500. On a second conviction, he shall be punished by a  
 17    fine of not less than \$300 or more than \$500. On the third  
 18    or subsequent conviction, he shall be punished by  
 19    imprisonment for a term of not less than 30 days or more  
 20    than 1 year, to which may be added, in the discretion of the  
 21    court, a fine of not less than \$500 or more than \$1,000.

22    Notwithstanding any provision to the contrary providing for  
 23    suspension of execution of a sentence imposed under this  
 24    subsection, the imposition or execution of the first 10 days  
 25    of the jail sentence imposed for a third or subsequent

1    offense that occurred within 5 years of the first offense  
 2    may not be deferred or suspended.

3            (2) Except as otherwise provided in this section, the  
 4    court may, in its discretion, suspend the execution of any  
 5    sentence imposed under subsection (1) on the condition that  
 6    the defendant successfully complete a course in a driver  
 7    improvement school approved by the court or an alcohol  
 8    treatment program approved by the department of  
 9    institutions. Each school or institution providing such  
 10    education or treatment shall, at the commencement of the  
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 12    has been accepted by the school or treatment program. If the  
 13    defendant fails to attend the school or the treatment  
 14    program, the school or institution shall notify the court of  
 15    the failure.

16            (3) For the purposes of this section, "conviction"  
 17    means a final conviction, as defined in 45-2-101, or a  
 18    forfeiture of bail or collateral deposited to secure the  
 19    defendant's appearance in court, which forfeiture has not  
 20    been vacated."

-End-

Approved by Committee  
on Judiciary

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-End-

SECOND READING

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23 AN OFFENDER IS CONSIDERED TO HAVE BEEN PREVIOUSLY CONVICTED  
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HB 0075/04

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HB 0075/04

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-End-

-3-

HB 75

January 31, 1979

SENATE STANDING COMMITTEE REPORT

That House Bill No. 75 be amended as follows:

1. Title, line 9.

Following: "VACATED"

Insert: ", WHICH CONVICTION OR FORFEITURE OCCURRED WITHIN 5 YEARS  
OF THE COMMISSION OF THE PRESENT OFFENSE"

2. Page 2.

Following: line 20

Insert: "An offender is considered to have been previously  
convicted for the purposes of this section if less than 5 years  
has elapsed between the commission of the present offense and  
a previous conviction."