

HOUSE BILL NO. 611

INTRODUCED BY GOULD, ELLIS, LORY

IN THE HOUSE

February 6, 1979	Introduced and referred to Committee on Judiciary.
February 12, 1979	Committee recommend bill do pass as amended. Report adopted.
February 13, 1979	Printed and placed on members' desks.
February 14, 1979	Second reading, do pass.
February 15, 1979	Considered correctly engrossed.
February 16, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 17, 1979	Introduced and referred to Committee on Judiciary.
March 8, 1979	Committee recommend bill be concurred in. Report adopted.
March 10, 1979	Second reading, concurred in.
March 13, 1979	Third reading, concurred in.

IN THE HOUSE

March 14, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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*House*  
*Lois* BILL NO. *611*  
*Ellis Long*

INTRODUCED BY \_\_\_\_\_

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 61-8-714, MCA, TO PROVIDE THAT ON A SECOND CONVICTION OF DRIVING WHILE INTOXICATED THE PERSON SHALL BE PUNISHED BY IMPRISONMENT FOR A TERM NOT MORE THAN 90 DAYS."

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

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

"61-8-714. Penalty for driving while intoxicated. (1) Every person who is convicted of a violation of 61-8-401 shall be punished by a fine of not less than \$100 or more than \$500. On a second conviction, he shall be punished by ~~imprisonment for a term not more than 90 days, to which may be added, in the discretion of the court,~~ a fine of not less than \$300 or more than \$500. On the third or subsequent conviction, he shall be punished by imprisonment for a term of not less than 30 days or more than 1 year, to which may be added, in the discretion of the court, a fine of not less than \$500 or more than \$1,000. Notwithstanding any provision to the contrary providing for suspension of execution of a sentence imposed under this subsection, the imposition or execution of the first 10 days of the jail sentence imposed for a third or subsequent offense that occurred within 5

years of the first offense may not be deferred or suspended.

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

-End-

*AB 111*  
INTRODUCED BILL

Approved by Committee  
on Judiciary

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A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
61-8-714, MCA, TO PROVIDE THAT ON A SECOND CONVICTION OF  
DRIVING WHILE INTOXICATED THE PERSON SHALL ~~MAY~~ BE PUNISHED  
BY IMPRISONMENT FOR A TERM NOT MORE THAN ~~90~~ 30 DAYS."

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

Section 1. Section 61-8-714, MCA, is amended to read:  
"61-8-714. Penalty for driving while intoxicated. (1)  
Every person who is convicted of a violation of 61-8-401  
shall be punished by a fine of not less than \$100 or more  
than \$500. On a second conviction, he shall be punished by  
~~imprisonment for a term not more than 90 days to which may~~  
~~be added in the discretion of the court~~ a fine of not less  
than \$300 or more than \$500 ~~to which may be added, in the~~  
~~DISCRETION OF THE COURT, IMPRISONMENT FOR A TERM NOT MORE~~  
~~THAN 30 DAYS.~~ On the third or subsequent conviction, he  
shall be punished by imprisonment for a term of not less  
than 30 days or more than 1 year, to which may be added, in  
the discretion of the court, a fine of not less than \$500 or  
more than \$1,000. Notwithstanding any provision to the  
contrary providing for suspension of execution of a sentence  
imposed under this subsection, the imposition or execution

of the first 10 days of the jail sentence imposed for a  
third or subsequent offense that occurred within 5 years of  
the first offense may not be deferred or suspended.

(2) Except as otherwise provided in this section, the  
court may, in its discretion, suspend the execution of any  
sentence imposed under subsection (1) on the condition that  
the defendant successfully complete a course in a driver  
improvement school approved by the court or an alcohol  
treatment program approved by the department of  
institutions. Each school or institution providing such  
education or treatment shall, at the commencement of the  
education or treatment, notify the court that the defendant  
has been accepted by the school or treatment program. If the  
defendant fails to attend the school or the treatment  
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of the first 10 days of the jail sentence imposed for a third or subsequent offense that occurred within 5 years of the first offense may not be deferred or suspended.

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

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-End-