

CHAPTER NO. 301.

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
House BILL NO. 611
House Ellis Long

1 INTRODUCED BY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 61-8-714, MCA, TO PROVIDE THAT ON A SECOND CONVICTION OF
6 DRIVING WHILE INTOXICATED THE PERSON SHALL BE PUNISHED BY
7 IMPRISONMENT FOR A TERM NOT MORE THAN 90 DAYS."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 61-8-714, MCA, is amended to read:
11 "61-8-714. Penalty for driving while intoxicated. (1)
12 Every person who is convicted of a violation of 61-8-401
13 shall be punished by a fine of not less than \$100 or more
14 than \$500. On a second conviction, he shall be punished by
15 imprisonment for a term not more than 90 days, to which may
16 be added, in the discretion of the court, a fine of not less
17 than \$300 or more than \$500. On the third or subsequent
18 conviction, he shall be punished by imprisonment for a term
19 of not less than 30 days or more than 1 year, to which may
20 be added, in the discretion of the court, a fine of not less
21 than \$500 or more than \$1,000. Notwithstanding any provision
22 to the contrary providing for suspension of execution of a
23 sentence imposed under this subsection, the imposition or
24 execution of the first 10 days of the jail sentence imposed
25 for a third or subsequent offense that occurred within 5

1 years of the first offense may not be deferred or suspended.
2 (2) Except as otherwise provided in this section, the
3 court may, in its discretion, suspend the execution of any
4 sentence imposed under subsection (1) on the condition that
5 the defendant successfully complete a course in a driver
6 improvement school approved by the court or an alcohol
7 treatment program approved by the department of
8 institutions. Each school or institution providing such
9 education or treatment shall, at the commencement of the
10 education or treatment, notify the court that the defendant
11 has been accepted by the school or treatment program. If the
12 defendant fails to attend the school or the treatment
13 program, the school or institution shall notify the court of
14 the failure."

-End-

Approved by Committee
on Judiciary

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 61-8-714, MCA, TO PROVIDE THAT ON A SECOND CONVICTION OF
6 DRIVING WHILE INTOXICATED THE PERSON SHALL ~~MAY~~ BE PUNISHED
7 BY IMPRISONMENT FOR A TERM NOT MORE THAN 90 TO 30 DAYS."

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

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

4 (2) Except as otherwise provided in this section, the
5 court may, in its discretion, suspend the execution of any
6 sentence imposed under subsection (1) on the condition that
7 the defendant successfully complete a course in a driver
8 improvement school approved by the court or an alcohol
9 treatment program approved by the department of
10 institutions. Each school or institution providing such
11 education or treatment shall, at the commencement of the
12 education or treatment, notify the court that the defendant
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14 defendant fails to attend the school or the treatment
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5 61-8-714, MCA, TO PROVIDE THAT ON A SECOND CONVICTION OF
6 DRIVING WHILE INTOXICATED THE PERSON SHALL ~~MAY~~ BE PUNISHED
7 BY IMPRISONMENT FOR A TERM NOT MORE THAN 90 30 DAYS."

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14 than \$500. On a second conviction, he shall be punished by

15 ~~imprisonment for a term not more than 90 days to which may be added~~

16 ~~in the discretion of the court~~ a fine of not less

17 than \$300 or more than \$500 ~~to which may be added~~ IN THE

18 ~~DISCRETION OF THE COURT~~ IMPRISONMENT FOR A TERM NOT MORE

19 ~~THAN 30 DAYS~~. On the third or subsequent conviction, he

20 shall be punished by imprisonment for a term of not less

21 than 30 days or more than 1 year, to which may be added, in

22 the discretion of the court, a fine of not less than \$500 or

23 more than \$1,000. Notwithstanding any provision to the

24 contrary providing for suspension of execution of a sentence

25 imposed under this subsection, the imposition or execution

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

-End-

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