

Thank you for agreeing to sponsor this bill. In the last two years, I have prosecuted two cases in which 17 year old defendants, while driving under the influence, caused the deaths of two passengers in their vehicles.

In both cases I decided to prosecute the defendants in district court, rather than youth court, because of their ages and the seriousness of the offenses. In each case I had to prosecute under the negligent homicide statute rather than the more serious vehicular homicide statute because vehicular homicide is not a transferable offense under 41-5-206(1)(b).

While I was able to obtain convictions in both cases under the negligent homicide statute, the vehicular homicide statute more clearly described the offense committed by these defendants. I believe it is important not only to deter this behavior through punishment, but also to document the nature of the offense on the offenders' criminal records, in case the defendants engage in future DUI activity.

The obvious purpose of MCA 41-5-206 is to ensure that serious criminal acts can be prosecuted in district court if circumstances warrant. The dangers of driving while impaired are well documented, as is the fact that every year Montana citizens die as a result of that behavior.

Given that fact, it makes no sense that vehicular homicide is not transferable, particularly when the less serious offense of negligent homicide is. I suspect this is merely an oversight, given that the vehicular homicide statute is relatively new and was enacted after the transfer statute.

HB 533 is our opportunity to correct that oversight and give prosecutors the tools to deal with those who kill while driving impaired.

If you have any questions, feel free to contact me.

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