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HB 106

MONTANA DEPARTMENT OF JUSTICE

HB 106: Creating a Statewide 24/7 Sobriety Program

A Simple, Low-cost, Effective Solution to Keeping Drunk Drivers Off the Road

Background

Montana leads or is near the top in *all* the national DUI categories:[i]

- Montana ranked highest in the nation for the number of alcohol-related fatalities per 100 million miles traveled.
- Montana is first in the nation for the number of alcohol-related deaths per 100,000 people (13.9).
- We are third in the nation for the percentage of traffic fatalities that are related to alcohol – nearly 40%.

What we are doing in response to drunk driving is not working. Although judges in Montana frequently require repeat DUI offenders to abstain from using alcohol as a condition of bond, no effective program exists to ensure compliance.

- For example, in June 2009, Travis Fuqua was drunk when he drove his pickup into a motorcycle and killed two people. Following his arrest, Fuqua was released on $25,000 bond and ordered not to drink and to stay out of bars. Less than four months later, Fuqua was again arrested for crashing his girlfriend's car into a ditch, again while driving drunk.

Lewis & Clark Pilot Program Results

In May 2010, Lewis & Clark County introduced the 24/7 Sobriety pilot project. Anyone arrested for a second or subsequent DUI is now required to submit to a breath test twice a day, every day – paid for by the offender.

If offenders fail a breath test or don't show up, their bond is immediately revoked and they are taken directly to jail where they wait to see a judge. The judge decides how long they spend in jail.

In rural areas where offenders cannot drive to a testing site twice a day, they wear ankle bracelets that continuously monitor for alcohol consumption. Offenders are required to pay $6 a day for use of the SCRAM ankle bracelets (Secure Continuous Remote Alcohol Monitor).

Between May and Dec. 2010, 31 participants have completed the program. At year's end, another 34 were enrolled, including 9 who were being monitored remotely through SCRAM bracelets.

During this eight-month period, the program administered 6,057 breath tests. Over 99% of tests returned a 0.00 BAC and they haven't cost the state or local authorities any additional funds.

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The Lewis & Clark County pilot project also allowed the 24/7 Sobriety program to be tested in the courtroom. There wasn't a single challenge to the program made by an offender.

Saving Lives

Starting in 2005, South Dakota has been holding repeat offenders accountable with the 24/7 Sobriety Project. Through Oct. 2010, South Dakota has administered 3.42 million tests to nearly 17,000 offenders. Participants show up and blow a clean test 99.3% of the time.[ii]

With the program operating statewide, South Dakota's roads are safer. At the time the program was introduced, South Dakota had one of the highest DUI rates in the nation and nearly three-quarters of the people involved in fatal crashes had a BAC of 0.15 or higher. Notably, from 2006 to 2007, alcohol-related traffic deaths in South Dakota declined by 33 percent – the largest decrease in the nation. Over the six years from 2003 and 2008, alcohol-related fatalities in South Dakota dropped from 94 in 2003 to 34 in 2008 – a 64% drop.

Over the past two years in Montana, alcohol was a factor in crashes that killed 148 people on our roads.[iii] If the 24/7 project could reduce the number of alcohol-related crashes by even 33%, we could save almost 50 lives over the next two years.

Program Costs

The 24/7 Program is a low-cost way to combat Montana's DUI problem. Offenders are required to pay $4 a day for breath tests, or $6 a day for a SCRAM ankle bracelet (plus a $30 activation and $30 deactivation charge). Lewis & Clark County reports that paying testing costs has not created a burden for offenders – $4 a day is roughly the cost of two beers at a bar.

This program can save money while saving lives. Keeping these people out of jail will save the state and local communities over $70 per inmate, per day.

HB 106 Summary

HB 106 is designed to:

- reduce the number of people who drive under the influence of alcohol and dangerous drugs,
- give prosecutors and judges a stronger response to repeat DUI offenders, both before and after trial, and
- make our roads safer for all Montanans.

With the 24/7 Sobriety Program, we can hold repeat DUI offenders accountable and ensure that they stay sober. Our constituents and our families deserve no less.

2011 Legislature
January 19, 2011

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[i] National Highway Traffic Safety Administration (NHTSA) 2008 data

[ii] South Dakota Attorney General's Office 24/7 Sobriety Project web site: http://apps.sd.gov/atg/dui247/247stats.htm

[iii] Montana Highway Patrol: final 2010 fatality data is not yet available, but to date shows 189 deaths, 54 related to alcohol. 2009 fatality data: 221 deaths, 94 related to alcohol.

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