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EXHIBIT 6
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HB 299

HB 299 3rd DUI Felony - Proponent

When I became a MADD volunteer I was offered several different activities. My trainer recommended that I start with court monitoring to learn more about the current processes for DUI enforcement and adjudication in Montana. I sat in court nearly every Thursday for the last 18 months and read hundreds of public documents. I appreciate the wonderful cooperation and support I received from law enforcement, prosecutors, and courts in the Flathead. I watched people arrested for felony DUI go through the court system. In Flathead County only 70% of these cases resulted in conviction of felony DUI and referral to the DOC with a recommendation for the WATCH program.

The problem is that a person with a serious drug and/or alcohol problem drives repeatedly, estimates from participants in the WATCH program estimate 300 times, before the first DUI conviction. They then continue to drink and drive until they finally get to the fourth time, without any meaningful treatment or monitoring up to that point.

Often the fourth DUI is not really the fourth. 40% of all DUI cases in the Flathead are either pled down to a non-alcohol related offense or dismissed. I was looking at a case recently in which a woman was arrested for her third DUI#1, she pled guilty to reckless driving in the first two cases. I have also seen cases where a person was arrested for two DUIs within a few days, weeks, or even months, and the plea agreement dismissed one of the cases. In other cases the DUI 2 or 3 is pled to a DUI 1 for sentencing. Still other DUI convictions are never reported to the DMV, particularly on the reservations. Another confounding factor is the DUI offenses committed in other states or countries. So a DUI 4 is often not the first time the driver has been arrested for felony DUI, and certainly not the first time the driver has driven while impaired.

Another thing which impressed me during my court monitoring was the fact that DUI arrests are associated with dangerous driving behaviors. One chilling report described a drunk driver going the wrong direction on the same stretch of highway 93 where Michael Haynes was killed. The trooper had to drive off the road to avoid a head on collision. In my study less than 20% of drivers arrested for DUI were stopped for a safety problem such as a headlight out; the other 80% were seriously threatening the public. 28% were in crashes, most of which involved vehicle damage and many which caused injuries and death. 52% were near collisions, failure to yield, crossing the center line, and speeding. Over 10% were stopped because another motorist called 911, often saying, "this driver is going to kill someone."

One concern about this bill is that we don't have enough beds in the WATCH program or the funding to pay for treatment for more offenders. We don't have enough beds in our hospitals and rehabilitation centers for the people maimed by drunk drivers. We can't afford for the cost to our community for alcohol and drug related traffic deaths. The NHTSA estimates every life lost costs \$6,000,000. The direct financial loss to the State of Montana for the deaths of Trooper Schneider and Trooper Haynes well exceeded \$1,000,000 each.

Pay to save lives or pay for the lives lost.