



SB 15: Creating the Offense of Aggravated DUI

Background

State statistics clearly show that, while all drunken driving is dangerous, the most deadly are drivers with the highest concentration of alcohol in their blood. In Montana, the average BAC of drivers involved in fatal crashes is more than twice the legal limit:¹

- 0.19 in 2007
- 0.17 in 2008
- 0.18 in 2009

For example, in March 2009, a 29-year-old man drank 8 pints of beers and 5 shots of hard alcohol in two hours at a Kalispell bowling alley. He then got into his car and drove with his lights off on the wrong side of a divided highway and plowed head on into the patrol car driven by Trooper Michael Haynes. The drunk driver, with a BAC of 0.18, died instantly.

Haynes, 28, died five days later. He was survived by his wife and two young children, a three- and a one-year-old.

Fatal crashes – costing hundreds of lives in Montana – are frequently caused by those with high BACs.

SB 15 Holds Aggravated DUI Offenders Accountable

Creating the offense of aggravated DUI would save lives by targeting hard core drinkers and drivers, and allowing the court system to impose longer probationary periods on those offenders who pose the greatest risk to the public.

Based on the data from fatal crashes, the Department of Justice proposes that the BAC level for an aggravated offense be set at twice the legal limit – a BAC of 0.16 and higher.

SB 15 will allow a court to impose a probationary term of up to three years on offenders convicted of misdemeanor DUI. Under current law the maximum period of supervision for misdemeanor DUI offenders is 6 month for a first and second offense, and 12 months for a third offense. The daily stories we read of DUI offenders committing their 4th, 5th and even 10th DUI tell us our current misdemeanor provisions do not hold hard core drinkers and drivers accountable.

2011 Legislature
March 17, 2011

Prepared by the Montana Department of Justice

¹ All statistics are attributable to the Montana Department of Justice, Motor Vehicle Division, Records & Driver Control Bureau.