

Amendments to Senate Bill No. 15
1st Reading Copy

Requested by Senator Larry Jent

For the Senate Judiciary Committee

Prepared by Valencia Lane
January 20, 2011 (3:55pm)

1. Page 1, line 14.

Strike: "0.20"

Insert: "0.16"

2. Page 1, line 21.

Following: "offense;"

Insert: "or"

3. Page 1, line 25.

Following: "offense"

Strike: "; or"

Insert: "."

4. Page 1, line 26 through line 27.

Strike: subsection (f) in its entirety

- END -

SENATE BILL NO. 15

INTRODUCED BY L. JENT

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE OFFENSE OF AGGRAVATED DRIVING UNDER THE INFLUENCE; PROVIDING PENALTIES; AMENDING SECTIONS 61-8-101, 61-8-402, 61-8-404, 61-8-409, 61-8-714, 61-8-722, 61-8-731, AND 61-8-734, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

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

NEW SECTION. Section 1. Aggravated DUI. (1) A person commits the offense of aggravated driving

under the influence if the person is in violation of 61-8-401 or 61-8-406 and at the time of the offense:

- (14) (a) the person's blood alcohol concentration is ^{0.16}~~0.20~~ or more;
- (15) (b) the person is under the order of a court or the department to equip any motor vehicle the person operates with an approved ignition interlock device;
- (17) (c) the person's driver's license or privilege to drive is suspended, canceled, or revoked as a result of a prior violation of 61-8-401, 61-8-402, or 61-8-406;
- (19) (d) the person refuses to provide a breath or blood sample as required in 61-8-402 and the person's driver's license or privilege to drive was suspended, canceled, or revoked under 61-8-402 within 10 years of the
- (21) commission of the present offense; *OR*

- (22) (e) the person has one prior conviction or pending charge for a violation of 45-5-106, 45-5-205, 61-8-401, 61-8-406, or this section within 3 years of the commission of the present offense, or two or more prior convictions or pending charges, or any combination thereof, for violations of 45-5-106, 45-5-205, 61-8-401, 61-8-406, or this
- (25) section within 7 years of the commission of the present offense; ~~or~~ .

(26) ~~(f) the person is involved in a motor vehicle accident or collision resulting in damage to property~~
 (27) ~~belonging to another or bodily injury to another.~~

(2) A person convicted of the offense of aggravated driving under the influence shall be punished by:

- (a) a probationary term of not less than 1 year or more than 3 years;
- (b) a fine of not less than \$1,000 or more than \$5,000; and