

DATE 3/9/11
NO. HB 002

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Montana Legislative Services Division
Legal Services Office

TO: Senate Judiciary Committee
FROM: Valencia Lane
DATE: March 8, 2011
RE: Bill Conflict Requiring Your Attention

There is a conflict between:

* **HB 102** (Menahan -- REVISE PROBATIONARY DRIVER'S LICENSE PROVISIONS FOR DUI COURT PARTICIPATION -- By Request of the Law and Justice Interim Committee) **SENATE JUDICIARY HEARING MARCH 9, 2011.**

and

* **HB 106** (S. LAVIN -- PROVIDE FOR A 24/7 SOBRIETY PROJECT FOR IMPAIRED DRIVING OFFENDERS -- By Request of the Department of Justice) **Passed out of SENATE JUDICIARY COMMITTEE 3/4/11.**

and

* **HB 14** (Menahan -- ELIMINATE 5-YEAR LOOK-BACK IN MISDEMEANOR DUI/BAC CASES -- By Request of the Law and Justice Interim Committee) **PASSED 2ND READING AND REFERRED TO HOUSE APPROPRIATIONS 1/24/11.**

and

* **HB 299** (K. Hansen -- MAKE THIRD DUI A FELONY) **PASSED 2ND READING AND REFERRED TO HOUSE APPROPRIATIONS 3/7/11 .**

All four bills amend the 61-5-208, MCA, in a manner that conflicts. These bills need to be coordinated in some way--either through an amendment to one or more of the bills to make the language in the bills work together or by a coordination instruction. If more than one bill passes as they are drafted, the amendments made by the bills to the MCA section are in conflict and cannot be codified into a coherent whole. Staff recommendation: Amend HB 102 to eliminate conflict with HB 106 and wait for the other 2 house bills to come over to the Senate, if they do,

(OVER)

then do any further coordination at that time as necessary.

There are several DUI bills this session and I am sure that there will be many conflicts as a result. It will be necessary to continue to monitor these bills to address the conflicts issue.

Please let me know how you want to proceed.

c: Rep. Menahan
Rep. Lavin
Rep. Hansen
Rep. Ken Peterson, Chairman, House Judiciary Committee
David Niss
Ali Bovingdon, Dept. of Justice