EXHIBIT 4
DATE 1/30/2013
HB 275

Office of the Flathead County Attorney

ED CORRIGAN, County Attorney
TARA R. FUGINA, Deputy
ALISON E. HOWARD, Deputy
TRAVIS R. AHNER, Deputy
KENNETH R. PARK, Deputy
PAUL J. NICOL, Deputy
STACY BOWMAN, Deputy
CAITLIN OVERLAND, Deputy
ANNE LAWRENCE, Deputy
JOHN DONOVAN, Deputy

P.O. Box 1516
920 South Main Street
Justice Center, Second Floor
Kalispell, Montana 59903-1516
(406) 758-5630
FAX (406) 758-5642

Vickie Eggum, Office Administrator

January 29, 2013

Becky Sturdevant
MADD

Re: An Act Revising Sentencing for Felony DUI

Dear Becky:

As we have previously discussed on a number of occasions, the current sentencing scheme for DUI, a Felony, is, in my opinion, inadequate. It is for that reason that I strongly support Rep. Regier's proposed legislation enhancing the penalty for that offense.

The current 13 month limit on committing offenders to the Department of Corrections (DOC) unduly restricts the District Court's discretion in devising an appropriate sentence, particularly where the Defendant is one of the increasingly common offenders with 5, 6, or more DUI convictions and failed efforts at treatment. Increasing the possible commitment to the DOC to 5 years would give the Department greater latitude and more authority to immediately deal with offenders who violate the conditions of their sentence by failing to complete treatment, participate in Aftercare as required, and/or by consuming alcohol or drugs while on inmate status. We have also had cases where the Defendant has remained in custody for a significant period of time before pleading or going to trial, a delay which can make it problematic for the individual to complete the WATCH program within the 13 months currently allowed; a 5 year maximum would resolve that issue. Finally, it seems somewhat absurd to think that an individual can steal $1,501.00 worth of property, not place anyone in danger, and face a potential maximum sentence of 10 years at the state prison, while a drunk driver engaging in potentially lethal behavior only faces, at this time, a maximum of 13 months commitment to the DOC.

Thank you for your efforts on behalf of the citizens of Montana.

Sincerely,

OFFICE OF THE COUNTY ATTORNEY
Flathead County, Montana

Ed Corrigan