

SENATE JOINT RESOLUTION NO. 39

INTRODUCED BY BRUEGGEMAN, HINKLE, WANZENRIED, GILLAN, LASLOVICH, COONEY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM LEGISLATIVE STUDY OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS IN MONTANA.

WHEREAS, Montana law prohibits individuals from driving under the influence of alcohol or drugs; and

WHEREAS, Montana law in this area has become a complex patchwork of statutes arising from federal mandates, initiatives by legislators or task forces, and case-specific circumstances; and

WHEREAS, law enforcement officers, prosecutors, public defenders, courts, addiction counselors, treatment professionals, probation officers, and driver control analysts struggle to interpret these statutes and apply the results to the wide range of circumstances that these offenders present; and

WHEREAS, first-time convictions of driving under the influence rose 19% from 2004 to 2008; and

WHEREAS, there was a 16% increase in repeat offenses from 2004 to 2008, including second or subsequent DUI and felony DUI; and

WHEREAS, implied consent refusals increased 24% from 2004 to 2008; and

WHEREAS, the Montana Highway Patrol reports that in 2007 there were 324 drivers involved in 249 fatal crashes, and 123 of those involved drivers under the influence; and

WHEREAS, the Montana Highway Patrol reports that in 2007 there were 9,541 drivers involved in injury crashes, and 1,161 of those involved drivers under the influence; and

WHEREAS, Montana continues to see an increase of 3% to 5% each year since 2000 in driving under the influence convictions; and

WHEREAS, statistical analysis suggests that the conviction-to-arrest rates in Montana may be as low as 1 to 1.5 and as high as 1 to 6; and

WHEREAS, a Montana Highway Patrol survey shows 96% of Montanans think that driving under the influence is a problem; and

WHEREAS, it is the duty of the Legislature to protect the safety of the public on public highways.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to 5-5-217, MCA, or direct sufficient staff resources to study the issue of driving under the influence of alcohol or drugs generally and determine any legislation that might augment current law to reduce the incidence of this crime. The study should:

(1) identify strengths and weaknesses in Montana's driving under the influence statutes, as well as possible alternative penalty and enforcement provisions or new technologies that might aid Montana's enforcement of driving under the influence laws and reduce the incidence of repeat offenses;

(2) examine laws and enforcement practices in other states, including license suspensions, technology, and available resources;

(3) examine Montana's current rates of incarceration due to driving under the influence convictions, current incarceration and treatment capacities, and possible alternatives; and

(4) analyze whether there is a culture of acceptance of driving under the influence in Montana that might account for the prevalence of driving under the influence problems in Montana and what, if anything, the Legislature might do to address the issue.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2010.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 62nd Legislature.

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