

HOUSE JOINT RESOLUTION NO. 64

INTRODUCED BY K. KELKER

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF BEST PRACTICES FOR REDUCING THE NUMBER OF DRIVING UNDER THE INFLUENCE CRIMES.

WHEREAS, a recent study by the National Highway Traffic Safety Administration found Montana is no longer in the top five states for the highest rates of impaired driving deaths (per capita); and

WHEREAS, Montana went from 9.58 drunk-driving deaths per 100,000 people in 2016 to 5.33 in 2017, but Montana deaths caused by alcohol-impaired drivers still average about twice the national average per 10 million miles driven over the last 5 years; and

WHEREAS, in 2016, 46% of Montana drivers charged with a DUI refused to take the breathalyzer test, increasing the likelihood of more plea bargains to lesser charges and expanding the need for more trial time to try these offenders, significantly increasing costs to local governments to prosecute these cases; and

WHEREAS, each year in Montana there are about 2,000 vehicle crashes involving an impaired driver, including about 1,000 crashes that involve injuries; and

WHEREAS, chances of Montanans being involved in their lifetime in an accident involving an impaired driver are about one in seven, and chances of being in an injury-related accident involving an impaired driver are about one in 14; and

WHEREAS, Montana was rated last nationally by Mothers Against Drunk Driving in the effectiveness of its DUI laws in the 2017 Drunk Driving Rating of States.

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, pursuant to section 5-5-217, MCA, to study evidence-based methods for:

- (1) preventing impaired driving;
- (2) intervening early to stop individuals from driving while impaired, including but not limited to safe ride home programs; and



1 (3) reducing the overall number of DUIs.

2 BE IT FURTHER RESOLVED, that the study:

3 (1) review options to organize the DUI statutes into one location that includes definitions of terms,  
4 investigative procedures, standards of evidence for prosecution, options for monitoring sobriety, options for  
5 alcohol and drug addiction treatment, penalties, treatment of minors driving while impaired, license suspension  
6 and restoration, and other appropriate topics;

7 (2) consider legal issues related to probable cause, breathalyzer refusals, blood testing, implied consent,  
8 and constitutional privacy rights;

9 (3) research early intervention programs for individuals on their first DUI;

10 (4) examine methods to ensure that DUI offenders receive addiction assessments administered by  
11 licensed addiction counselors;

12 (5) identify a variety of evidence-based treatment options, including but not limited to the WATCH  
13 program, treatment courts, in-patient treatment, outpatient treatment, and other choices;

14 (6) clarify the instances of discretion that judges find useful in individualizing treatments and sanctions;

15 (7) investigate the effects of prison sentencing on protecting public safety and encouraging prisoners to  
16 go into treatment;

17 (8) make recommendations for what DUI data should be collected and shared; and

18 (9) create a package of policy bills to be submitted to the Montana Legislature for discussion and  
19 adoption.

20 BE IT FURTHER RESOLVED, that the study include representatives from the Department of Justice, the  
21 Department of Corrections, the Department of Transportation, tribal governments, state, tribal, and local law  
22 enforcement, prevention specialists, addiction treatment professionals, DUI task force members, WATCH staff  
23 and graduates, treatment court judges and graduates of treatment courts, magistrates, prosecutors, and defense  
24 attorneys.

25 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
26 requirements, be concluded prior to September 15, 2020.

27 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
28 comments, or recommendations of the appropriate committee, be reported to the 67th Legislature.

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