

## 24/7 SOBRIETY AND DRUG MONITORING PROGRAM

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** The 24/7 program was established by the Legislature in 2011 at the request of the Attorney General. Prior to 2011, the Attorney General and the Lewis and Clark County sheriff conducted a successful pilot of the program in 2010. The statutes establishing the 24/7 program are in [Title 44, chapter 4, part 12](#).

The program requires an individual to be tested twice daily for the presence of alcohol or drugs. A court or state agency may order an individual to participate in the 24/7 program as a condition of bond, sentence, probation, parole, or work permit. Testing may also be done by alternate methods in areas or circumstances when twice daily testing is impractical.

An individual may participate or be compelled to participate in a 24/7 program if the individual is charged with aggravated DUI or with a 2<sup>nd</sup> or subsequent DUI.

#### Legislative Services Division Materials:

#### Other Materials:

[Administrative Rules governing the 24/7 program](#)

### Introduced Legislation

2019

[Senate Bill No 65](#) -- (H) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS REGARDING DRIVING UNDER THE INFLUENCE; PROVIDING DEFINITIONS, A DESCRIPTION OF DRIVING

UNDER THE INFLUENCE CRIMES, TREATMENT REQUIREMENTS, SOBRIETY MONITORING PROGRAM, FORFEITURE PROVISIONS, IMPLIED CONSENT AND ADMINISTRATIVE LICENSE SUSPENSION, APPEAL PROCESS, CONDITIONS OF ADMISSIBILITY, PROCESS FOR ADMINISTRATION OF TESTS, CONDITIONS FOR RECEIVING A PROBATIONARY DRIVERS LICENSE, OPEN CONTAINER VIOLATION, REVOCATION AND SUSPENSION OF LICENSE PROCEDURES; PROVIDING RULEMAKING AUTHORITY; PROVIDING PENALTIES; PROVIDING DEFINITIONS; AMENDING SECTIONS 23-2-535, 44-4-1202, 44-4-1203, 44-4-1205, 45-5-106, 45-5-205, 45-5-207, 45-5-628, 46-16-130, 46-18-201, 46-18-236, 50-46-320, 53-9-103, 61-1-101, 61-2-107, 61-2-302, 61-5-125, 61-5-205, 61-5-208, 61-5-212, 61-5-218, 61-5-231, 61-5-405, 61-8-101, 61-8-102, 61-8-805, 61-8-807, 61-11-101, AND 67-1-211, MCA; REPEALING SECTIONS 61-8-401, 61-8-402, 61-8-403, 61-8-404, 61-8-405, 61-8-406, 61-8-407, 61-8-408, 61-8-409, 61-8-410, 61-8-411, 61-8-421, 61-8-422, 61-8-440, 61-8-441, 61-8-442, 61-8-460, 61-8-461, 61-8-465, 61-8-714, 61-8-722, 61-8-731, 61-8-732, 61-8-733, 61-8-734, AND 61-8-741, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE.

[Senate Bill No. 362](#) -- Chapter Number Assigned -- AN ACT REVISING THE REQUIREMENTS FOR THE 24/7 SOBRIETY AND DRUG MONITORING PROGRAM ACT; ALLOWING DISCRETION ON THE FREQUENCY AND TYPE OF TESTING METHODS; REMOVING THE REQUIREMENT FOR A PILOT PROGRAM; AND AMENDING SECTIONS 44-4-1202, 44-4-1203, AND 44-4-1205, MCA.

## 2017

[House Bill No. 613](#) -- (H) Died in Standing Committee -- AN ACT REVISING LAWS RELATED TO THE 24/7 SOBRIETY AND DRUG MONITORING PROGRAM; PROVIDING A PROCESS AND PENALTIES TO ADDRESS CERTAIN PRETRIAL OR POSTCONVICTION NONCOMPLIANCE WITH THE PROGRAM; REVISING DEFINITIONS; REVISING LAWS RELATED TO CORE COMPONENTS AND METHODOLOGIES; LIMITING USE OF HARDSHIP TESTING METHODOLOGIES TO CERTAIN INDIVIDUALS; PROVIDING THAT THE STATE OWNS DATA COLLECTED IN THE PROGRAM; REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES RELATED TO SANCTIONING SCHEDULES AND USE OF PILOT PROJECTS; REVISING WHEN A PROBATIONARY DRIVER'S LICENSE MUST BE WITHDRAWN; CLARIFYING THAT PARTICIPATION CAN ONLY BE ORDERED IF THE PROGRAM IS AVAILABLE IN THE JURISDICTION; CLARIFYING THE USE OF THE PROGRAM FOR CHARGES AND CONVICTIONS OF CERTAIN ALCOHOL- OR DRUG-RELATED TRAFFIC CRIMES; AMENDING SECTIONS 44-4-1202, 44-4-1203, 44-4-1204, 44-4-1205, 46-9-108, 46-9-505, 46-18-201, 61-5-208, 61-8-442, 61-8-465, 61-8-714, 61-8-722, 61-8-731, AND 61-8-733, MCA; AND PROVIDING AN EFFECTIVE DATE.

## 2015

[House Bill No. 491](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING THE 24/7 SOBRIETY AND DRUG MONITORING PROGRAM; CLARIFYING THE PURPOSE AND CORE COMPONENTS OF THE SOBRIETY PROGRAM; CLARIFYING ELIGIBILITY FOR PARTICIPATION IN THE SOBRIETY PROGRAM; AMENDING SECTIONS 44-4-1202, 44-4-1203, AND 44-4-1205, MCA; AND PROVIDING EFFECTIVE DATES.

## 2013

[House Bill No. 233](#) -- Chapter Number Assigned -- AN ACT REVISING THE 24/7 SOBRIETY PROGRAM; EXPANDING THE 24/7 SOBRIETY PROGRAM TO INCLUDE OTHER CRIMES IN WHICH THE ABUSE OF ALCOHOL OR DANGEROUS DRUGS WAS A CONTRIBUTING FACTOR IN THE COMMISSION OF

THE CRIME; EXPANDING USE OF THE 24/7 PROGRAM TO ADDITIONAL LOCAL LAW ENFORCEMENT AGENCIES; REQUIRING THE STATEWIDE PROGRAM TO MEET CERTAIN STANDARDS; AUTHORIZING ANY COURT TO UTILIZE THE PROGRAM; AMENDING SECTIONS 44-4-1201, 44-4-1202, 44-4-1203, 44-4-1204, 44-4-1205, 44-4-1206, 46-18-201, 61-8-422, AND 61-8-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[Senate Bill No. 367](#) -- (S) Died in Standing Committee -- AN ACT GENERALLY REVISING LAWS RELATED TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; REVISING THE PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; PROVIDING THE COURT WITH ALTERNATIVE METHODS FOR MONITORING COMPLIANCE WHEN RECOMMENDING A RESTRICTED OR PROBATIONARY LICENSE; IMPOSING STANDARDS AND REPORTING REQUIREMENTS RELATED TO IGNITION INTERLOCK DEVICES; AMENDING SECTIONS 61-8-410, 61-8-421, 61-8-441, 61-8-465, AND 61-8-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

## 2011

[House Bill No. 106](#) -- Chapter Number Assigned -- AN ACT ESTABLISHING THE 24/7 SOBRIETY PROGRAM IN THE DEPARTMENT OF JUSTICE; PROVIDING FOR SOBRIETY TESTING BY COUNTY SHERIFFS OR DESIGNEES; PROVIDING FOR FEES, PROBATIONARY DRIVER LICENSES, ADMINISTRATIVE RULES, AND PENALTIES; EXPANDING THE PENALTIES FOR A THIRD OR SUBSEQUENT OFFENSE OF DRIVING UNDER THE INFLUENCE; AMENDING SECTIONS 45-7-309, 46-18-201, AND 61-5-208, MCA.