

HOUSE BILL NO. HB0183

Driving under the influence-enhanced penalties.

Sponsored by: Representative(s) Hinckley, Berger, Buchanan, Cohee, Cooper, Harshman, Harvey, Illoway, Morgan, Olsen, Parady, Ross and Warren

A BILL

for

1 AN ACT relating to motor vehicles; enhancing the penalties
2 that may be imposed for subsequent convictions for driving
3 under the influence as specified; and providing for an
4 effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 31-5-233(e) is amended to read:

9

10 **31-5-233. Driving or having control of vehicle while**
11 **under influence of intoxicating liquor or controlled**
12 **substances; penalties.**

13

14 (e) Except as otherwise provided in this subsection
15 or subsection (h) of this section, a person convicted of

1 violating this section is guilty of a misdemeanor
2 punishable by imprisonment for not more than six (6)
3 months, a fine of not more than seven hundred fifty dollars
4 (\$750.00), or both. On a second conviction within five (5)
5 years after a conviction for a violation of this section or
6 other law prohibiting driving while under the influence, he
7 shall be punished by imprisonment for not less than ~~seven~~
8 ~~(7)~~ thirty (30) days nor more than six (6) months, shall
9 receive a substance abuse assessment pursuant to W.S.
10 7-13-1302 and shall not be eligible for probation or
11 suspension of sentence or release on any other basis until
12 he has served at least ~~seven (7)~~ thirty (30) days in jail
13 except that the court shall consider the substance abuse
14 assessment and may order the person to undergo outpatient
15 alcohol or substance abuse treatment during any mandatory
16 period of incarceration. In addition, the person may be
17 fined not less than two hundred dollars (\$200.00) nor more
18 than seven hundred fifty dollars (\$750.00). ~~On a third~~
19 ~~conviction within five (5) years after a conviction for a~~
20 ~~violation of this section or other law prohibiting driving~~
21 ~~while under the influence, he shall be punished by~~
22 ~~imprisonment for not less than thirty (30) days nor more~~
23 ~~than six (6) months, shall receive a substance abuse~~
24 ~~assessment pursuant to W.S. 7-13-1302 and shall not be~~

1 ~~eligible for probation or suspension of sentence or release~~
2 ~~on any other basis until he has served at least thirty (30)~~
3 ~~days in jail except that the court shall consider the~~
4 ~~substance abuse assessment and may order the person to~~
5 ~~undergo outpatient alcohol or substance abuse treatment~~
6 ~~during any mandatory period of incarceration.~~ The minimum
7 period of imprisonment for a ~~third~~second violation shall
8 be mandatory, but the court, having considered the
9 substance abuse assessment and the availability of public
10 and private resources, may suspend up to fifteen (15) days
11 of the mandatory period of imprisonment if, subsequent to
12 the date of the current violation, the offender completes
13 an inpatient treatment program approved by the court. ~~In~~
14 ~~addition, the person may be fined not less than seven~~
15 ~~hundred fifty dollars (\$750.00) nor more than three~~
16 ~~thousand dollars (\$3,000.00).~~ The judge may suspend part or
17 all of the discretionary portion of an imprisonment
18 sentence under this subsection and place the defendant on
19 probation on condition that the defendant pursues and
20 completes an alcohol education or treatment program as
21 prescribed by the judge. Notwithstanding any other
22 provision of law, the term of probation imposed by a judge
23 under this section may exceed the maximum term of
24 imprisonment established for the offense under this

1 subsection provided the term of probation together with any
2 extension thereof, shall not exceed three (3) years for up
3 to and including a ~~third~~second conviction. On a ~~fourth~~
4 third or subsequent conviction within ~~five (5)~~seven (7)
5 years for a violation of this section or other law
6 prohibiting driving while under the influence, he shall be
7 guilty of a felony and fined not more than ten thousand
8 dollars (\$10,000.00), punished by imprisonment for not more
9 than two (2) years, or both. For purposes of calculating if
10 an individual has a third or subsequent conviction within a
11 seven (7) year period for a violation of this section or
12 other law prohibiting driving while under the influence,
13 any dismissal of a charge pursuant to W.S. 7-13-301 for a
14 violation of this section or other law prohibiting driving
15 while under the influence shall be counted as a conviction
16 for purposes of this section.

17

18 **Section 2.** This act is effective July 1, 2004.

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20

(END)