

SENATE FILE NO. SF0075

DUI sanctions.

Sponsored by: Senator(s) Meier and Representative(s)
Buchanan and Davison

A BILL

for

1 AN ACT relating to motor vehicles; increasing penalties for
2 driving while under the influence as specified; amending
3 applicable time periods for increased penalties as
4 specified; amending payment requirements for drivers who
5 are required to undergo a substance abuse assessment; and
6 providing for an effective date.

7

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

9

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

11

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

15

1 (e) Except as otherwise provided, a person convicted
2 of violating this section shall be ordered to or shall
3 receive a substance abuse assessment conducted by a
4 substance abuse provider certified by the department of
5 health pursuant to W.S. 9-2-2701(c) at or before
6 sentencing. The cost of the substance abuse assessment
7 shall be assessed to and paid by the offender. The court
8 may order as a condition of probation that the offender pay
9 the cost of the substance abuse assessment during the
10 period of probation. Except as otherwise provided in this
11 subsection or subsection (h) or (m) of this section, a
12 person convicted of violating this section is guilty of a
13 misdemeanor punishable by imprisonment for not more than
14 ~~six (6) months~~ one (1) year, a fine of not more than ~~seven~~
15 ~~hundred fifty dollars (\$750.00)~~ one thousand dollars
16 (\$1,000.00), or both. On a second conviction within five
17 (5) years after a conviction for a violation of this
18 section or other law prohibiting driving while under the
19 influence, he shall be punished by imprisonment for not
20 less than seven (7) days nor more than ~~six (6) months~~ one
21 (1) year, he shall be ordered to or shall receive a
22 substance abuse assessment conducted by a substance abuse
23 provider certified by the department of health pursuant to
24 W.S. 9-2-2701(c) before sentencing 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 seven (7)
3 days in jail. In addition, the person may be fined not
4 less than ~~two hundred dollars (\$200.00)~~ two hundred fifty
5 dollars (\$250.00) nor more than ~~seven hundred fifty dollars~~
6 ~~(\$750.00)~~ one thousand dollars (\$1,000.00). On a third or
7 subsequent conviction within ~~five (5)~~ seven (7) years after
8 a conviction for a violation of this section or other law
9 prohibiting driving while under the influence, including
10 convictions for violations of laws in other jurisdictions
11 containing the same or similar elements, calculated from
12 the date of the first conviction to the date of the
13 commission of the violation resulting in the third or
14 subsequent conviction under this section, he shall be
15 ~~punished by imprisonment for not less than thirty (30) days~~
16 ~~nor more than six (6) months, shall receive a substance~~
17 ~~abuse assessment pursuant to W.S. 7-13-1302 and shall not~~
18 ~~be eligible for probation or suspension of sentence or~~
19 ~~release on any other basis until he has served at least~~
20 ~~thirty (30) days in jail except that the court shall~~
21 ~~consider the substance abuse assessment and may order the~~
22 ~~person to undergo outpatient alcohol or substance abuse~~
23 ~~treatment during any mandatory period of incarceration. The~~
24 ~~minimum period of imprisonment for a third violation shall~~

1 ~~be mandatory, but the court, having considered the~~
2 ~~substance abuse assessment and the availability of public~~
3 ~~and private resources, may suspend up to fifteen (15) days~~
4 ~~of the mandatory period of imprisonment if, subsequent to~~
5 ~~the date of the current violation, the offender completes~~
6 ~~an inpatient treatment program approved by the court. In~~
7 ~~addition, the person may be fined not less than seven~~
8 ~~hundred fifty dollars (\$750.00) nor more than three~~
9 ~~thousand dollars (\$3,000.00). The judge may suspend part or~~
10 ~~all of the discretionary portion of an imprisonment~~
11 ~~sentence under this subsection and place the defendant on~~
12 ~~probation on condition that the defendant pursues and~~
13 ~~completes an alcohol education or treatment program as~~
14 ~~prescribed by the judge. Notwithstanding any other~~
15 ~~provision of law, the term of probation imposed by a judge~~
16 ~~under this section may exceed the maximum term of~~
17 ~~imprisonment established for the offense under this~~
18 ~~subsection provided the term of probation together with any~~
19 ~~extension thereof, shall not exceed three (3) years for up~~
20 ~~to and including a third conviction. On a fourth or~~
21 ~~subsequent conviction within five (5) years for a violation~~
22 ~~of this section or other law prohibiting driving while~~
23 ~~under the influence, he shall be guilty of a felony and~~
24 ~~fined not more than ten thousand dollars (\$10,000.00),~~

1 ~~punished by imprisonment~~ imprisoned for not more than ~~two~~
2 ~~(2)~~ ten (10) years, or both.

3

4 **Section 2.** This act is effective July 1, 2008.

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6 (END)