

HOUSE BILL NO. HB0088

DUI-penalties.

Sponsored by: Representative(s) Krone, Barbuto, Blake, Bonner, Brown, Buchanan, Burkhart, Childers, Craft, Freeman, Greene, Harvey, McKim, Petersen, Petroff, Stubson, Teeters, Throne and Vranish and Senator(s) Coe, Landen and Rothfuss

A BILL

for

1 AN ACT relating to motor vehicles; increasing penalty for
2 fourth or subsequent offense of driving under the
3 influence; and providing for an effective date.

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

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

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9 **31-5-233. Driving or having control of vehicle while**
10 **under influence of intoxicating liquor or controlled**
11 **substances; penalties.**

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13 (e) Except as otherwise provided, a person convicted
14 of violating this section shall be ordered to or shall

1 receive a substance abuse assessment conducted by a
2 substance abuse provider certified by the department of
3 health pursuant to W.S. 9-2-2701(c) at or before
4 sentencing. The cost of the substance abuse assessment
5 shall be assessed to and paid by the offender. Except as
6 otherwise provided in this subsection or subsection (h) or
7 (m) of this section, a person convicted of violating this
8 section is guilty of a misdemeanor punishable by
9 imprisonment for not more than six (6) months, a fine of
10 not more than seven hundred fifty dollars (\$750.00), or
11 both. On a second offense resulting in a conviction within
12 ten (10) years after a conviction for a violation of this
13 section or other law prohibiting driving while under the
14 influence, he shall be punished by imprisonment for not
15 less than seven (7) days nor more than six (6) months, he
16 shall be ordered to or shall receive a substance abuse
17 assessment conducted by a substance abuse provider
18 certified by the department of health pursuant to W.S.
19 9-2-2701(c) before sentencing and shall not be eligible for
20 probation or suspension of sentence or release on any other
21 basis until he has served at least seven (7) days in jail.
22 In addition, the person may be fined not less than two
23 hundred dollars (\$200.00) nor more than seven hundred fifty
24 dollars (\$750.00). On a third offense resulting in a

1 conviction within ten (10) years after a conviction for a
2 violation of this section or other law prohibiting driving
3 while under the influence, he shall be punished by
4 imprisonment for not less than thirty (30) days nor more
5 than six (6) months, shall receive a substance abuse
6 assessment pursuant to W.S. 7-13-1302 and shall not be
7 eligible for probation or suspension of sentence or release
8 on any other basis until he has served at least thirty (30)
9 days in jail except that the court shall consider the
10 substance abuse assessment and may order the person to
11 undergo outpatient alcohol or substance abuse treatment
12 during any mandatory period of incarceration. The minimum
13 period of imprisonment for a third violation shall be
14 mandatory, but the court, having considered the substance
15 abuse assessment and the availability of public and private
16 resources, may suspend up to fifteen (15) days of the
17 mandatory period of imprisonment if, subsequent to the date
18 of the current violation, the offender completes an
19 inpatient treatment program approved by the court. In
20 addition, the person may be fined not less than seven
21 hundred fifty dollars (\$750.00) nor more than three
22 thousand dollars (\$3,000.00). The judge may suspend part or
23 all of the discretionary portion of an imprisonment
24 sentence under this subsection and place the defendant on

1 probation on condition that the defendant pursues and
2 completes an alcohol education or treatment program as
3 prescribed by the judge. Notwithstanding any other
4 provision of law, the term of probation imposed by a judge
5 under this section may exceed the maximum term of
6 imprisonment established for the offense under this
7 subsection provided the term of probation together with any
8 extension thereof, shall not exceed three (3) years for up
9 to and including a third conviction. On a fourth offense
10 resulting in a conviction or subsequent conviction within
11 ten (10) years for a violation of this section or other law
12 prohibiting driving while under the influence, he shall be
13 guilty of a felony and fined not more than ten thousand
14 dollars (\$10,000.00), punished by imprisonment for not more
15 than ~~two (2)~~ seven (7) years, or both.

16

17 **Section 2.** This act is effective July 1, 2012.

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(END)