

HOUSE BILL NO. HB0118

Felony driving under the influence.

Sponsored by: Representative(s) Cooper, Hinckley and Luthi
and Senator(s) Roberts

A BILL

for

1 AN ACT relating to motor vehicles; providing an increased
2 penalty for driving under the influence in specified
3 circumstances; removing requirement relating to court
4 ordered treatment; and providing for an 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
16 violating this section is guilty of a misdemeanor

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

1 court may suspend up to fifteen (15) days of the mandatory
2 period of imprisonment if, subsequent to the date of the
3 current violation, the offender completes an inpatient
4 treatment program approved by the court. In addition, the
5 person may be fined not less than seven hundred fifty
6 dollars (\$750.00) nor more than three thousand dollars
7 (\$3,000.00). The judge may suspend part or all of the
8 discretionary portion of an imprisonment sentence under
9 this subsection and place the defendant on probation on
10 condition that the defendant pursues and completes an
11 alcohol education or treatment program as prescribed by the
12 judge. Notwithstanding any other provision of law, the term
13 of probation imposed by a judge under this section may
14 exceed the maximum term of imprisonment established for the
15 offense under this subsection provided the term of
16 probation together with any extension thereof, shall ~~in no~~
17 ~~ease~~ not exceed three (3) years for up to and including a
18 third conviction. On a fourth or subsequent conviction
19 within five (5) years for a violation of this section or
20 other law prohibiting driving while under the influence, he
21 shall be guilty of a felony and fined not more than ten
22 thousand dollars (\$10,000.00), punished by imprisonment for
23 not more than five (5) years, or both.

24

1 **Section 2.** This act is effective July 1, 2003.

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(END)