

HOUSE BILL NO. HB0050

Felony driving under the influence.

Sponsored by: Representative(s) Hinckley

A BILL

for

1 AN ACT relating to motor vehicles; extending the time
2 period in which increased penalties for driving under the
3 influence may be imposed; and providing for an effective
4 date.

5

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

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

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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
17 punishable by imprisonment for not more than six (6)

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

1 mandatory, but the court, having considered the substance
2 abuse assessment and the availability of public and private
3 resources, may suspend up to fifteen (15) days of the
4 mandatory period of imprisonment if, subsequent to the date
5 of the current violation, the offender completes an
6 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)~~ seven (7) years for a
22 violation of this section or other law prohibiting driving
23 while under the influence, he shall be guilty of a felony
24 and fined not more than ten thousand dollars (\$10,000.00),

1 punished by imprisonment for not more than two (2) years,
2 or both. For purposes of calculating if an individual has a
3 third or subsequent conviction within a seven (7) year
4 period for a violation of this section or other law
5 prohibiting driving while under the influence, any
6 dismissal of a charge pursuant to W.S. 7-13-301 for a
7 violation of this section or other law prohibiting driving
8 while under the influence shall be counted as a conviction
9 for purposes of this section.

10

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

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(END)