

HOUSE BILL NO. HB0229

DUI-penalties-2.

Sponsored by: Representative(s) Esquibel, K., Martin and White and Senator(s) Fecht and Vasey

A BILL

for

1 AN ACT relating to driving under the influence; increasing  
2 the penalties for third convictions for driving under the  
3 influence as specified; and providing for an effective  
4 date.

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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, a person convicted  
15 of violating this section shall be ordered to or shall  
16 receive a substance abuse assessment conducted by a

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

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

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

15

16 **Section 2.** This act is effective July 1, 2007.

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(END)