

HOUSE BILL NO. HB0118

Felony driving under the influence.

Sponsored by: Representative(s) Cooper 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; and providing for an effective date.

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

6

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.**

12

13 (e) Except as otherwise provided in this subsection
14 or subsection (h) of this section, a person convicted of
15 violating this section is guilty of a misdemeanor
16 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 or ~~subsequent~~
12 fourth conviction within five (5) years after a conviction
13 for a violation of this section or other law prohibiting
14 driving 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 and shall not be eligible for probation
17 or suspension of sentence or release on any other basis
18 until he has served at least thirty (30) days in jail.
19 except that the court, after consultation with the sheriff,
20 may order the person to undergo outpatient alcohol or
21 substance abuse treatment during any mandatory period of
22 incarceration. The minimum period of imprisonment for a
23 third or ~~subsequent~~ fourth violation shall be mandatory,
24 but the court may suspend up to fifteen (15) days of the

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

24

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

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(END)