



AN ACT REVISING LAWS RELATED TO DRIVING UNDER THE INFLUENCE; REVISING SENTENCING WHEN A PERSON HAS A PENDING OR SUBSEQUENT OFFENSE WHILE AWAITING SENTENCING ON A PRESENT OFFENSE; AND AMENDING SECTION 61-8-1011, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-1011, MCA, is amended to read:

"61-8-1011. Driving under influence -- ~~conviction~~conviction defined -- place of imprisonment -- home arrest -- exceptions -- deferral of sentence not allowed. (1) (a) For the purpose of determining the number of convictions for prior offenses referred to in 61-8-1001, 61-8-1002, 61-8-1007, and 61-8-1008, "~~conviction~~" "conviction" means:

- (i) a final conviction, as defined in 45-2-101, in this state, in another state, or on a federally recognized Indian reservation;
 - (ii) a forfeiture, which has not been vacated, of bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation; or
 - (iii) a conviction, or a pending or subsequent offense if the pending or subsequent offense results in a conviction prior to sentencing for the present offense, for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation.
- (b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and ~~aa~~ a previous ~~conviction~~ conviction unless the offense is the offender's third or subsequent offense, in which case all previous

~~convictions~~convictions must be used for sentencing purposes.

(c) A previous ~~conviction~~conviction for a violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation, and as otherwise defined in subsection (1)(a) may be counted for the purposes of determining the number of a subsequent ~~conviction~~conviction for a violation of driving under the influence under 61-8-1002.

(d) A previous conviction for a violation of 45-5-104 for which the offense under 45-5-104 occurred while the person was operating a vehicle in violation of driving under the influence, including 61-8-1002(1)(a), (1)(b), (1)(c), or (1)(d), an offense that meets the definition of aggravated driving under the influence in 61-8-1001, or a similar offense under previous laws of this state or the laws of another state, and a previous conviction for a violation of 45-5-205 or 45-5-628(1)(e) may also be counted for the purposes of determining the number of a subsequent conviction for a violation of driving under the influence under 61-8-1002.

(2) Except as provided in 61-8-1008, the court may order that a term of imprisonment imposed under 61-8-1007 or 61-8-1008 be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and may require that the defendant follow the rules of the facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(3) Subject to the limitations set forth in 61-8-1007 concerning minimum periods of imprisonment, the court may order that a term of imprisonment imposed under 61-8-1007 be served by imprisonment under home arrest, as provided in Title 46, chapter 18, part 10.

(4) A court may not defer imposition of sentence under 61-8-1007 or 61-8-1008.

(5) The provisions of 61-2-107, 61-5-205(2), and 61-5-208(2), relating to suspension of driver's licenses and later reinstatement of driving privileges, apply to any conviction under 61-8-1007 for a violation of 61-8-1002."

- END -

I hereby certify that the within bill,
HB 626, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 626

INTRODUCED BY B. MERCER

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