

# WHAT WILL a DUI COST YOU?



death  
serious injury  
incarceration  
job loss  
search warrants  
probation  
court fines  
fingerprinting  
attorney fees  
treatment  
no access to Canada  
embarrassment  
loss of independence  
name in local newspaper  
daily alcohol screenings  
increased auto insurance premium

IT'S MORE THAN JUST A TRAFFIC FINE.

*If you drive impaired, expect to be arrested and taken to jail, then be prosecuted, and sentenced by a judge.*

## Impaired Driving Basics

### BLOOD ALCOHOL CONCENTRATION (BAC)

is measured by the percent of alcohol in the blood or breath. As BAC increases, vision, coordination, and concentration decline, and the ability to safely operate a vehicle diminishes.

Some factors that affect BAC:

- ◆ the drinker's size, gender, and physical condition
- ◆ food consumption
- ◆ medications
- ◆ alcohol content per drink and quantity consumed

### DRIVING UNDER THE INFLUENCE (DUI)

means that as a result of taking into the body alcohol, drugs, or any combination of alcohol or drugs, a person's ability to safely operate a vehicle has been diminished. This includes medical marijuana and prescription medication. *Diminished ability* and DUI can be established through driving behavior, field sobriety testing, blood testing, and breathalyzer results.

- 0.08% = DUI results
- 0.04% = DUI for commercial drivers
- 0.02% = Offense for a person under 21
- 0.16% = Aggravated DUI
- 5 ng/ml of THC = DUI

### aggravated DUI is:

- ◆ The driver has a BAC of 0.16 or higher
- ◆ the driver has a court order for an ignition interlock device
- ◆ the driver's license is suspended, canceled or revoked due to a previous DUI violation
- ◆ the driver refuses a breath or blood test and his/her license is suspended, canceled or revoked
- ◆ the driver has a prior conviction or pending charge within 10 years of this offense or
- ◆ the driver has two or more prior convictions or pending charges

## PLAN AHEAD

- ✓ ALWAYS HAVE A SOBER DRIVER.
- ✓ ALWAYS BUCKLE UP.

The information in this document is intended to provide an overview and is not inclusive of all impaired driving laws and penalties. For specific information on laws, refer to the Montana Code Annotated.

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## Detection, Apprehension & Prosecution of Impaired Drivers

⇒ **The odds of getting caught and prosecuted are HIGH**

Law enforcement officers have specialized training to detect impaired drivers. They conduct patrols with the specific focus on arresting impaired drivers.

Officers can obtain a search warrant any time of day to gather evidence of impairment, including blood samples.

Prosecutors are trained and have resources specifically aimed at obtaining DUI convictions.

**Implied Consent:** If there is probable cause to believe you are driving under the influence, you are required to take a breath or blood test.

**Refusal** = Suspended license six months to a year and ineligibility for a probationary license plus \$200 reinstatement fee along with a \$300 administrative fee.

## FIRST TIME OFFENDERS—The Hefty Price

Law Violation	Jail	Fine	Administrative Sanctions
<b>DUI</b> including marijuana and other drugs	Up to 6 months	\$600—\$1,000	<ul style="list-style-type: none"> <li>6 months driver's license (D.L.) suspension</li> <li>Probationary D.L.</li> <li>Assessment, Course, Treatment (ACT)</li> <li>D.L. reinstatement fee</li> <li>Court fees</li> <li>24/7 alcohol monitoring option</li> <li>Ignition interlock option</li> </ul>
<b>DUI</b> With passenger under age 16 in the vehicle	Up to 1 year (THC—up to 6 months)	\$1,200—\$2,000	Same as above
<b>Aggravated DUI</b>	48 hours—1 year	Minimum \$1,000	Same as above
<b>Aggravated DUI</b> With passenger under age 16 in the vehicle	72 hours—1 year	Minimum \$2,000	Same as above

### Consequences Increase with Each DUI

Repeat offenders can expect to pay more, serve longer incarceration time, undergo court ordered treatment, enroll in a 24/7 Drug/Alcohol monitoring program, and be supervised by the court.

Fourth and subsequent DUI Convictions are felonies and result in a 13-month to two-year commitment to the Montana Department of Corrections, which includes placement either in a correctional facility or residential treatment program, followed by five years of supervised probation, and a fine up to \$10,000.

### Felony Penalties for DUI

Law Violation	Prison (up to)	Fine
4th & Subsequent DUI	2 years	\$10,000
Vehicle Homicide	30 years	\$50,000
Negligent Homicide	20 years	\$50,000
Negligent Vehicle Assault	10 years	\$10,000
Criminal Endangerment	10 years	\$50,000
Criminal Child Endangerment	10 years	\$50,000

