

**HOUSE BILL** 0120

**HOUSE BILL 0120**

Kelly F. Marshall  
Introduced by:

[illegible]

**CONTINUED ON BACK**

## THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

HB 0120 HSI/

Cheyenne, January 25, 1983.

Mr. Speaker:

Your Committee No. 3 on REVENUE

to whom was referred House Bill No. 0120

respectfully reports same back to the House with the recommendation that DO PASS with the following amendments:

- Page 1 - line 1 Delete "and by".
- Page 1 - line 2 Before "relating" delete entire line.
- Page 1 - line 4 Delete "and" insert "or"; after "fine" insert "or both".
- Page 1 - line 5 After ";" delete entire line <sup>2</sup> insert "providing for surrender of driver's license;"
- Page 1 - lines 6 through 8 Delete ~~entire lines~~ <sup>2</sup>
- Page 1 - line 9 Delete entire line through ";" <sup>and</sup>
- Page 2 - line 1 Delete "and by".
- Page 2 - line 2 ~~Before "amended"~~ <sup>through "j")"</sup> delete entire line ~~and insert "are"~~ <sup>2</sup>
- Page 2 - line 8 Reinsert stricken "subsection"; delete "SUBSECTIONS".
- Page 2 - line 9 Delete "AND (j)".
- Page 2 - line 12 Reinsert stricken "or"; delete "AND".
- Page 2 - line 14 Before "." insert "OR BOTH".
- Page 2 - line 21 Reinsert stricken "may"; delete "SHALL".
- Page 3 - line 6 After "," insert "OR ANY MUNICIPAL ORDINANCE NOT SUPERSEDED UNDER W.S. 31-5-233(h),".
- Page 3 - line 7 Reinsert stricken "shall"; reinsert stricken "above".
- Page 3 - line 8 Delete "SHALL"; <sup>strike</sup> delete "have" insert "SURRENDER".
- Page 3 - line 9 <sup>strike</sup> Delete "suspended" insert "TO THE COURT".
- Page 3 - line 11 Reinsert stricken "Upon first conviction".
- Page 3 - lines 12 through 19 Reinsert stricken lines <sup>language</sup>
- Page 3 - line 22 After "." delete <sup>balance of the</sup> ~~entire line~~.
- Page 3 - line 23 Delete entirely.
- Page 4 - line 1 Delete entire line through ".".
- Page 4 - lines 4 through 12 Delete ~~lines~~ <sup>2</sup> entirely.

## AYES

## NOES

## ABSENT

## EXCUSED

Rep. Burton  
Grant  
Mader  
Stewart  
Urbigkit, D.  
Weaver  
Micheli

Dobos  
Phelan  
Strand

0

0

*Ron Micheli*  
RON MICHELI

*Chairman*  
Chairman *SW*

House of Intro  
To Com No. \_\_\_\_\_  
Stand Report Do      Amd      Not       
Com Whole Do      Amd      Not       
2nd Reading Amd       
3rd Reading Amd      Pass      Fail     

Second House  
To Com No. \_\_\_\_\_  
Stand Report Do      Amd      Not       
Com Whole Do      Amd      Not       
2nd Reading Amd       
3rd Reading Amd      Pass      Fail     

**INTRODUCED**

1983

STATE OF WYOMING

83LSO-0308.01

HOUSE BILL NO. 0120

Driving under the influence.

Sponsored by: Representative(s) MADER

A BILL

for

1 AN ACT to amend W.S. 31-5-233(d), (e) and (h) and by  
2 creating a new subsection (j) relating to driving while  
3 under the influence; providing a mandatory jail sentence  
4 and fine for first offenders; requiring a minimum fine for  
5 repeat offenders; rescinding the provision for temporary  
6 licenses; prohibiting the filing of additional charges if  
7 a charge under this section is dismissed; providing for  
8 increased minimum penalties if a person resists arrest or  
9 assaults a peace officer; and providing for an effective  
10 date.

11 Be It Enacted by the Legislature of the State of Wyoming:

1           Section 1. W.S. 31-5-233(d), (e) and (h) and by  
2           creating a new subsection (j) is amended to read:

3           31-5-233. Driving or in control of vehicle while  
4           under the influence of liquor prohibited; driving under  
5           influence of controlled substances prohibited; chemical  
6           analysis of blood, etc., as evidence; suspension of li-  
7           cense, etc; conviction for bodily injury; penalty.

8           (d) Except as provided in ~~subsection~~ SUBSECTIONS (g)  
9           AND (j) of this section, a person convicted of violating  
10          this section is guilty of a misdemeanor punishable by  
11          imprisonment for not LESS THAN TWO (2) DAYS NOR more than  
12          six (6) months ~~or~~ AND a fine of not LESS THAN TWO HUNDRED  
13          FIFTY DOLLARS (\$250.00) NOR more than seven hundred fifty  
14          dollars (\$750.00). On a subsequent conviction within five  
15          (5) years after a conviction for a violation of this  
16          section, he shall be punished by imprisonment for not less  
17          than seven (7) days nor more than six (6) months and shall  
18          not be eligible for probation, pardon, parole, commutation  
19          or suspension of sentence or release on any other basis  
20          until he has served at least seven (7) days in jail. In  
21          addition, the person ~~may~~ SHALL be fined not less than ~~two~~  
22          FOUR hundred FIFTY dollars ~~(\$200.00)~~ (\$450.00) nor more  
23          than seven hundred fifty dollars (\$750.00). ~~The-judge-may~~

1     ~~suspend-part-or-all-of-the--discretionary--portion--of--an~~  
2     ~~imprisonment---sentence---under---this--subsection~~ If the  
3     defendant agrees to pursue and completes an alcohol  
4     education or treatment program as prescribed by the judge  
5     ALL BUT THE MINIMUM SENTENCE MAY BE SUSPENDED.

6           (e) Every person convicted under this section,  
7     ~~shall,~~ in addition to the penalty ~~above~~ provided IN SUB-  
8     SECTION (d) OF THIS SECTION, SHALL have his driver's li-  
9     cense suspended at the time of conviction by the court.  
10    The court shall forward the license to the motor vehicle  
11    division of the Wyoming tax commission. ~~Upon-first-convie-~~  
12    ~~tion--only,--the-court-may-issue-to-the-person-a-temporary~~  
13    ~~license-which-shall-be-valid-for-a-period-of--thirty--(30)~~  
14    ~~days.--The-division-shall-provide-the-court-with-forms-for~~  
15    ~~issuance-of-the-temporary-licenses,-including-notification~~  
16    ~~of-the-person's--right--to--a--hearing--pursuant--to--W.S.~~  
17    ~~31-7-127(e).--The-temporary-license-may-be-extended-by-the~~  
18    ~~division--until--the--hearing---provided---for---in---W.S.~~  
19    ~~31-7-127(e)-is-held.~~

20           (h) Any person charged under this section shall be  
21    prosecuted under this section and not under a reduced  
22    charge. IF A CHARGE UNDER THIS SECTION IS DISMISSED, NO  
23    OTHER CHARGE UNDER THIS CHAPTER SHALL THEREAFTER BE FILED

1 FOR AN OFFENSE ARISING OUT OF THE SAME INCIDENT. Ordi-  
2 nances of cities and towns are superseded to the extent  
3 inconsistent with this subsection.

4 (j) A PERSON CONVICTED OF VIOLATING THIS SECTION AND  
5 PUNISHABLE UNDER SUBSECTION (d) OF THIS SECTION SHALL BE  
6 IMPRISONED FOR NOT LESS THAN FOUR (4) DAYS AND FINED NOT  
7 LESS THAN FIVE HUNDRED DOLLARS (\$500.00) AND FOR A SUBSE-  
8 QUENT CONVICTION IMPRISONED FOR NOT LESS THAN FOURTEEN  
9 (14) DAYS AND FINED NOT LESS THAN SEVEN HUNDRED DOLLARS  
10 (\$700.00) IF THE PERSON COMMITS ACTS CONSTITUTING RESIST-  
11 ING ARREST OR ASSAULTING A PEACE OFFICER DURING THE COURSE  
12 OF THE ARREST OF THE PERSON FOR VIOLATING THIS SECTION.

13 Section 2. This act is effective May 27, 1983.

14 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
TOTAL ESTIMATED REVENUE		
<u>Anticipated COST to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
TOTAL ESTIMATED COST		

No apparent significant fiscal or personnel impact at state level.

HB120

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- 5 insert "or both".
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- 7 Page 1-lines 6 through 8 Delete.
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- 9 "providing for surrender of driver's li-
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- 32 Page 4-lines 4 through 12 Delete entirely. -MICHELI,
- 33 CHAIRMAN ADOPTED