

April 18, 2009

The Honorable Bob Bergren  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 533, **"AN ACT ADDING VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE AS A CRIME FOR WHICH A YOUTH 16 YEARS OF AGE OR OLDER MAY BE CHARGED AS AN ADULT IN DISTRICT COURT, AND AMENDING SECTION 41-5-206, MCA."**

House Bill 533 adds the crime of vehicular homicide while under the influence to the list of crimes for which a youth 16 years of age or older can be charged as an adult. Unlike most of the crimes for which a youth may be charged as an adult, the crime of vehicular homicide involves the commission of a negligent not an intentional act. A youth who commits this crime has obviously made bad decisions, but is not, in all likelihood, a bad kid. When I consider the consequences of this bill, I do not believe that deterrence will be among them. I believe that the only real consequence is that the punishment will be more severe. More importantly, I am not convinced that trying this youth as an adult will produce better results in terms of rehabilitating the youth than treatment and punishment through the youth court.

I respectfully ask that you sustain my veto of House Bill 533 for the reasons stated above.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

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April 19, 2009

The Honorable Bob Bergren  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Robert Story, Jr.  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Bergren and President Story:

Yesterday, April 18, 2009, I issued a veto of House Bill 533 and returned it to the House of Representatives with a letter stating the reasons for my veto. My veto statement asked that you sustain my veto for the reasons in the letter. I discovered today that the letter also unintentionally stated that I was returning the bill with amendments. I offered no amendments to the bill, and I am writing today to clarify yesterday's letter. Please also be advised that my attorney returned the bill to the Clerk of the House yesterday, and at the time of the return, both my attorney and the Clerk signed a written acknowledgment that the bill was delivered to the House with the reasons for my veto.

I am writing to clarify the written veto message. Thank you.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division