

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

May 10, 2019

The Honorable Corey Stapleton
Secretary of State
State Capitol
Helena, MT 59601

Dear Secretary Stapleton:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 534 (HB 534), "AN ACT INCREASING PENALTIES FOR 5TH AND SUBSEQUENT DUI OFFENSES; AMENDING SECTION 61-8-731, MCA; AND PROVIDING AN APPLICABILITY DATE."

As Attorney General, I experienced first-hand the negative impacts that drinking and driving have on our state. When I took office, Montana's DUI rates were among the highest in the country. After the death of Trooper Michael Haynes at the hands of a drunk driver, I knew that something had to be done and I worked to pass the 24/7 Sobriety Program. The 24/7 program is an evidence-based intervention that requires DUI offenders to appear in person for twice daily breath tests. It helps offenders get sober and stay sober.

During the 2017 legislative session, the legislature enacted criminal justice reforms that were aimed at reducing recidivism for all offenders relying on evidence-based practices. For DUI offenders we know that means having appropriate interventions and placements.

Under current law, offenders convicted of a second or subsequent felony DUI are sentenced to the Department of Corrections (Department). This sentence allows the Department to determine the placement for an offender that best meets their identified needs with the aim of reducing their individual risk of recidivism. This is done through risk assessment, clinical evaluation, and case review. In some cases, an offender is placed in a secure facility. In other cases, the offender may be released to community supervision with a supportive release plan, often including a treatment court placement and higher levels of supervision. In most cases, however, offenders are placed in an intensive treatment facility focused on DUI offenders, followed by a prerelease center or release to community supervision.

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These evidence-based interventions are working—felony DUI convictions are on a four-year downward trend. While I appreciate the sponsor’s efforts to crack down on repeat offenders, I am not convinced that HB 534 is the right approach. The bill would institute costly mandatory minimum sentences and limit options for treatment and other evidence-based intervention. There is no evidence to show that longer sentences correlate to reduced recidivism for DUI offenders. In fact, the United States Department of Justice has written that “[i]ncreasing the severity of punishment does little to deter crime” and has described “[l]aws and policies designed to deter crime by focusing mainly on increasing the severity of punishment” as “ineffective” and notes that they may have the opposite effect: to “exacerbate recidivism.”¹

House Bill 534 is one of several, DUI bills considered this session. While Montana is doing better in addressing repeat DUI offenses, we can do better. I would encourage the legislature to engage in work over the interim that is guided by the principles of criminal justice reform and relies on evidence to make smart and targeted investments to address this problem.

Although well-intentioned, HB 534 is a step backwards from criminal justice reform.

For these reasons, I veto HB 534.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Greg Hertz, Speaker of the House
Scott Sales, President of the Senate

¹ United States Department of Justice, National Institute of Justice, “Five Things About Deterrence.” June 6, 2016.