

TABLE 1
Montana DUI Laws in General

| | Fine and incarceration: min to max | Enhanced sentence for minor passenger | Minimum jail time (i.e., home arrest not allowed) | Sentence suspension authorized? | Driver's license suspension or revocation | Ignition interlock device requirements |
|--|---|---------------------------------------|--|--|--|---|
| 1st offense* <i>61-8-720, MCA</i> <i>61-8-732, MCA</i> | \$300 - \$1,000 1 day - 6 mos | \$600 - \$2,000 2 days - 1 yr | 24 hrs - unless waived for mental or physical health | Yes - except initial 24 hrs. - must complete treatment | 6 months - court may recommend probationary license, conditioned on treatment <i>61-5-205(3), MCA</i> <i>61-5-208(2)(b), MCA</i> <i>61-11-101(2), MCA</i> | Interlock may be required during probation <i>61-8-442(1), MCA</i> |
| 2nd offense* <i>61-8-720, MCA</i> <i>61-8-732, MCA</i> | \$600 - \$1000 7 days - 6 mos | \$1,200 - \$2,000 14 days - 1 yr | 48 hrs | Yes - except first 5 days - must complete treatment | 1 year - if within 5 yrs of 1st offense - not restored unless mandated treatment completed - probationary license may not be issue <i>61-5-205(3), MCA</i> <i>61-5-208(2)(b), MCA</i> | Court shall seize vehicle(s) or require interlock for 1 yr after license is restored <i>61-8-442(2), MCA</i> <i>61-8-733, MCA</i> |
| 3rd offense* <i>61-8-720, MCA</i> <i>61-8-732, MCA</i> | \$1,000 - \$5,000 30 days - 1 yr | \$2,000 - \$10,000 60 days - 1 yr | 48 hrs | Yes - except for first 10 days - must complete treatment program | Same as 2nd | Same as 2nd |
| 4th and subsequent offense - FELONY <i>61-8-731, MCA</i> | \$1,000 - \$10,000 13 mos in residential treatment and up to 5 yrs probation | None | 13-month residential treatment facility under DOC | Residential treatment may not be suspended. Remainder of sentence must be served on probation. | Same as 2nd | Same as 2nd |

* Under section 45-5-106, MCA, if the person is convicted of vehicular homicide while under the influence, the person shall be imprisoned for up to 30 years or fined up to \$50,000, or both. Imposition of the sentence may not be deferred.