

Lookbacks & Legal Burdens Quick Cards for LEO (1.20.23)

A Montana TSRP Training Document

Quick Cards:

On the two pages below, you will find an easily printable "Quick Card" for law enforcement. These Quick Cards are intended to be printed double-sided, laminated, and kept for easy reference in the field.

Topics in this Quick Card:

One side displays lookback periods for common offenses. The reverse side displays legal burdens, their common applications, and legal requirements (some exceptions may apply).

Contact for Additional Details:

Montana Attorney General's Office Prosecution Services Bureau Traffic Safety Resource Prosecutor Ed Hirsch (406) 414-7029 Edward.Hirsch@mt.gov



Common Lookback Periods (From date of conviction):

- DUI (All subsections and Aggravated stack interchangeably, 0
 - except Minor DUI (61-8-1002(1)(e)):
 - 10 Years for 2nd Offense
 - Lifetime for 3rd or Subsequent Offense
- No Insurance/Failure to Exhibit (Stack interchangeably): 0 5 Years 0

0

0

0

0

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- "General" Traffic Violations (E.g. Right of Way, Lane, Right 0 Side of Roadway, One Way, Following Too Closely, U-Turn, Turn Signal Violations):
 - 1 Year for 2nd, 3rd, or Subsequent Offense
 - **Disorderly Conduct** 45-8-101(1)(i) through (vi):
 - 1 Year for 2nd or Subsequent Offense 0
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Legal Burdens:

- Particularized Suspicion: Burden to initiate a temporary investigative stop to confirm/dispel suspicion; request PBT. <u>Requirement(s)</u> – (1) Objective data and articulable facts from which LEO can make inferences, and; (2) A resulting suspicion the subject is, has, or about to commit an offense.
- Probable Cause: Arrest; charge; implied consent; warrants. <u>Requirement(s)</u> – Totality of facts and circumstances would lead to an honest and reasonable belief offense has been committed.
- Beyond a Reasonable Doubt: Burden at trial. <u>Requirement(s)</u> – Proof of such a convincing character that a reasonable person would rely and act upon it in the most important of their affairs.

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