

Bond Case Briefs

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MUNICIPAL ORDINANCE - MONTANA

City of Missoula v. Armitage

Supreme Court of Montana - October 9, 2014 - P.3d - 2014 MT 274

Defendant entered conditional guilty plea in municipal court to operating a vehicle with a blood alcohol concentration of .08 or more and moved to suppress evidence obtained as result of traffic stop. The municipal court denied motion. Defendant appealed. The District Court affirmed. Defendant appealed.

The Supreme Court of Montana held that:

- City ordinance providing misdemeanor fine to persons suspected of driving under the influence (DUI) who refuse testing was not preempted by state law; Defendant's refusal of preliminary alcohol screening test (PAST), during traffic stop, did not constitute a refusal of post-arrest testing; and City ordinances criminalizing the refusal to submit to a breath test, by a person suspected of DUI, did not impair freedom of speech.