



**House
Legislative
Analysis
Section**

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SUSPEND DRIVER'S LIC. FOR DRUG POSS.

House Bill 4365 (Substitute H-2)
First Analysis (10-30-89)

Sponsor: Rep. Floyd Clack
Committee: Transportation

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NOV 16 1989

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THE APPARENT PROBLEM:

Substance abuse among Americans has increased dramatically over the last two decades, especially the illicit use of powerfully addicting drugs such as cocaine and so-called "crack." Heavy trafficking and use of drugs directly influences the crime rate, endangers the lives of citizens, erodes community morale, and costs governments and private industry billions of dollars for law enforcement, drug prevention, and drug rehabilitation programs. Efforts to reduce the drug problem focus on educating the public on the dangers of even minimal illicit drug use ("just say no"), reducing the flow of illegal substances into — and throughout — the country, and exacting stiffer penalties on drug traffickers and users. The initial concentration of drug trafficking, once drugs have infiltrated national borders, tends to occur in and around larger metropolitan areas. From there, drugs are spread to outlying areas by drug dealers and others involved in extensive organized crime rings. Michigan's largest city, Detroit, is situated in the midst of a huge transportation infrastructure linked by roads, highways, and interstate freeways. This network of roads, in turn, links the city to the rest of the state and provides drug traffickers who have vehicles perhaps the best means of transporting their illegal goods both within the city and throughout the state. Some people feel criminal drug trafficking could be reduced if persons convicted of drug possession while operating vehicles in public places had their driver's licenses suspended.

THE CONTENT OF THE BILL:

The bill would amend the vehicle code to provide for the suspension for at least 60 days but not more than one year of a person's driver's license when that person was charged with violating controlled substance provisions of the public health code and convicted of possessing a controlled substance, controlled substance analogue, or counterfeit substance in a motor vehicle on a public highway or other place open to the general public during the alleged violation. If a person were so charged, the prosecuting attorney would have to include a statement on the court-filed complaint stating to the person the nature of the charge, and notifying the person that, if he or she was convicted and the judge determined he or she possessed the substance in a motor vehicle in a public place, the person would lose his or her driving privileges for at least 60 days but not more than one year. The secretary of state would immediately suspend a person's license who was convicted under the bill for the period specified in the certificate of conviction forwarded to the secretary of state.

The bill is tie-barred to House Bill 5213 (currently before the House Judiciary Committee), which would provide persons charged under the bill due process, allow the secretary of state to issue restrictive licenses in some cases, and permit a person convicted under the bill to appeal a decision.

MCL 257.319 and 257.732

FISCAL IMPLICATIONS:

According to the Department of State, the bill would not affect state expenditures. (10-24-89)

ARGUMENTS:

For:

Drug trafficking and abuse have become perhaps the most threatening social problem in this nation during the last decade. Illegal use of controlled substances such as cocaine destroys the lives (and families) of abusers, while drug trafficking contributes significantly to the crime rate. The bill would attempt to minimize the flow of drugs throughout the state by suspending the driver's license of a person convicted of drug possession while operating a vehicle in a public place. While threatening drug dealers and others who deliver drugs with license suspension probably would not deter them from their illegal activities (such a risk would seem trivial next to the money that could be made in selling drugs), it could help reduce drug traffic over the state's roadways by limiting traffickers from transporting drugs by car — probably the most convenient method of transport for most dealers.

For:

Since drug dealers probably contribute the most to the spread of drugs, laws designed to curb drug trafficking certainly should be aimed at punishing these persons. However, a person charged with violating drug laws, or any laws, should be granted equitable treatment under the law. For instance, a passenger in a vehicle could be unaware of the driver's concealed drugs, or vice-versa. This bill and its complement, House Bill 5213, would ensure that a person alleged to have violated drug possession laws would be entitled to due process and could appeal a court decision.

Against:

Current laws designed to attack the drug problem have not worked mainly because large profits in drug trafficking make the risks of getting caught (not to mention the slight chance of being convicted or sent to jail — since courts and prisons are so overcrowded now) seem small. Suspending the driver's license of a convicted drug dealer would only encourage such a person to drive illegally once he or she had served what probably would be a light sentence.

POSITIONS:

The Department of State Police supports the bill. (10-24-89)

The Department of State supports the bill. (10-24-89)

H.B. 4365 (10-30-89)