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## UNDERAGE DRINKING PENALTIES

House Bill 4231  
Sponsor: Rep. Michelle McManus  
Committee: Judiciary

Complete to 12-13-93

### A SUMMARY OF HOUSE BILL 4231 AS INTRODUCED 2-11-93

The bill would amend the Michigan Liquor Control Act to increase fines for underage drinking, provide for suspension of an underage drinker's driver's license, authorize court-ordered substance abuse treatment for initial violations (treatment already may be ordered following second or subsequent violations), and establish a presumption that someone under age 21 had been drinking if a preliminary breath test or other acceptable blood alcohol test indicated the presence of any alcohol in the blood. The bill also would allocate 75 percent, rather than the current 50 percent, of fines collected to substance abuse programs, and require a law enforcement agency to notify parents when a minor was found to have been drinking or in possession of alcohol. The bill could not take effect unless companion legislation (Senate Bill 205 or House Bill 4233) amending the Michigan Vehicle Code was enacted. Further details follow.

Underage drinkers--penalties. Minimum fines for underage purchasing, possessing, or consuming alcohol would be established, and maximum fines would be increased, as follows: for a first offense (now subject to a \$25 maximum fine), the fine would be from \$50 to \$200; for a second offense (now subject to a \$50 maximum fine), the fine would be from \$250 to \$500. The court could order substance abuse screening and treatment for a first offense, as well as for second and subsequent offenses.

The bill also would authorize the court to suspend the driver's license of an underage drinker for 90 days for a first offense, and for 180 days, if the offender had one prior offense. If the offender did not have a driver's license, he or she could not get one for the period of suspension.

Someone under age 21 who violated the prohibition on purchasing, possessing, or consuming alcohol would have to surrender his or her driver's license to the court, which would immediately destroy it.

Failure to appear. It would be a misdemeanor to fail to answer a citation or notice to appear in court for a violation of the prohibition against underage drinking or possession of alcohol. It also would be a misdemeanor to fail to comply with a judgment issued as a result of such violation.

Parental notification. A law enforcement agency would have to notify the parent or guardian of a minor who was found to have purchased, possessed, or consumed alcohol. If the minor was attending elementary or secondary school, law enforcement also would have to notify the school principal.

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of alcohol. It also would be a misdemeanor to fail to comply with a judgment issued as a result of such violation.

Parental notification. A law enforcement agency would have to notify the parent or guardian of a minor who was found to have purchased, possessed, or consumed alcohol. If the minor was attending elementary or secondary school, law enforcement also would have to notify the school principal.

Legal presumption: PET. The bill would establish a legal presumption that someone under age 21 had consumed or possessed alcohol if a preliminary breath test (PET) or other acceptable blood alcohol test indicated a blood alcohol content of over 0 percent. The alleged violator could produce evidence to the court to overcome this presumption.

Furnishing alcohol. Someone who furnished alcohol to a person under age 21 would be fined between \$250 and \$1,000, in addition to other penalties available under the act for this misdemeanor.

Distribution of fines. The bill would increase the proportion of underage drinking fines allocated for substance abuse programs from 50 to 75 percent.

LEIN system. The court would have to immediately order that information regarding a finding of underage consumption or possession of alcohol be entered into the law enforcement information network (LEIN).

Underage possession in vehicle. The bill would repeal a section that prohibits someone under age 21 from possessing or transporting alcohol in a motor vehicle. (Companion legislation would place these provisions in the Michigan Vehicle Code.)

MCL 436.33 et al.