



# SENATE BILL No. 712

June 22, 1993, Introduced by Senators WELBORN, DINGELL  
and GEAKE and referred to the Committee on Family  
Law, Criminal Law, and Corrections.

A bill to amend section 625 of Act No. 300 of the Public  
Acts of 1949, entitled as amended  
"Michigan vehicle code,"  
as amended by Act No. 98 of the Public Acts of 1991, being  
section 257.625 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 625 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 98 of the Public Acts of 1991, being  
3 section 257.625 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 625. (1) A person, whether licensed or not, shall not  
6 operate a vehicle upon a highway or other place open to the gen-  
7 eral public or generally accessible to motor vehicles, including  
8 an area designated for the parking of vehicles, within this state  
9 if either of the following applies:

1 (a) The person is under the influence of intoxicating liquor  
2 or a controlled substance, or a combination of intoxicating  
3 liquor and a controlled substance.

4 (b) The person has a blood alcohol content of 0.10% or more  
5 by weight of alcohol.

6 (2) The owner of a vehicle or a person in charge or in con-  
7 trol of a vehicle shall not authorize or knowingly permit the  
8 vehicle to be operated upon a highway or other place open to the  
9 general public or generally accessible to motor vehicles, includ-  
10 ing an area designated for the parking of motor vehicles, within  
11 this state by a person who is under the influence of intoxicating  
12 liquor or a controlled substance, or a combination of intoxicat-  
13 ing liquor and a controlled substance, or who has a blood alcohol  
14 content of 0.10% or more by weight of alcohol.

15 (3) A person, whether licensed or not, shall not operate a  
16 vehicle upon a highway or other place open to the general public  
17 or generally accessible to motor vehicles, including an area des-  
18 ignated for the parking of vehicles within this state when, due  
19 to the consumption of an intoxicating liquor, a controlled sub-  
20 stance, or a combination of an intoxicating liquor and a con-  
21 trolled substance, the person's ability to operate the vehicle is  
22 visibly impaired. If a person is charged with violating subsec-  
23 tion (1), a finding of guilty under this subsection may be  
24 rendered.

25 (4) A person, whether licensed or not, who operates a motor  
26 vehicle upon a highway or other place open to the general public  
27 or generally accessible to motor vehicles, including an area

1 designated for the parking of vehicles, within this state, under  
2 the influence of intoxicating liquor or a controlled substance,  
3 or a combination of intoxicating liquor and a controlled sub-  
4 stance, or with a blood alcohol content of 0.10% or more by  
5 weight of alcohol, and by the operation of that motor vehicle  
6 causes the death of another person is guilty of a felony, punish-  
7 able by imprisonment for not more than 15 years, or a fine of not  
8 less than \$2,500.00 or more than \$10,000.00, or both.

9       (5) A person, whether licensed or not, who operates a motor  
10 vehicle upon a highway or other place open to the general public  
11 or generally accessible to motor vehicles, including an area des-  
12 ignated for the parking of vehicles, within this state, under the  
13 influence of intoxicating liquor or a controlled substance, or a  
14 combination of intoxicating liquor and a controlled substance, or  
15 with a blood alcohol content of 0.10% or more by weight of alco-  
16 hol, and by the operation of that motor vehicle causes a  
17 long-term incapacitating injury to another person is guilty of a  
18 felony, punishable by imprisonment for not more than 5 years, or  
19 a fine of not less than \$1,000.00 or more than \$5,000.00, or  
20 both. As used in this subsection, "long-term incapacitating  
21 injury" means an injury that has caused a person to be in a coma-  
22 tose state, a quadriplegic state, a hemiplegic state, or a para-  
23 plegic state, which state is likely to continue for 1 year or  
24 more.

25       (6) If a person is convicted of violating subsection (1),  
26 the following shall apply:

1 (a) Except as otherwise provided in subdivisions (b) and  
2 (d), the person is guilty of a misdemeanor, and may be punished  
3 by 1 or more of the following:

4 (i) Service to the community for a period of not more than  
5 45 days.

6 (ii) Imprisonment for not more than 90 days.

7 (iii) A fine of not less than \$100.00 or more than \$500.00.

8 (b) If the violation occurs within 7 years of a prior con-  
9 viction, the person shall be sentenced to both a fine of not less  
10 than \$200.00 or more than \$1,000.00 and either of the following:

11 (i) Performing service to the community for a period of not  
12 less than 10 days or more than 90 days and may be imprisoned for  
13 not more than 1 year.

14 (ii) Imprisonment for not less than 48 consecutive hours or  
15 more than 1 year, and may be sentenced to service to the commu-  
16 nity for a period of not more than 90 days.

17 (c) A term of imprisonment imposed under subdivision (b)(ii)  
18 shall not be suspended.

19 (d) If the violation occurs within 10 years of 2 or more  
20 prior convictions, the person is guilty of a felony, and shall be  
21 sentenced to imprisonment for not ~~less than 1 year or~~ more than  
22 5 years, or a fine of not less than \$500.00 or more than  
23 \$5,000.00, or both.

24 (e) A person sentenced to perform service to the community  
25 under this subsection shall not receive compensation, and shall  
26 reimburse the state or appropriate local unit of government for  
27 the cost of supervision incurred by the state or local unit of

1 government as a result of the person's activities in that  
2 service.

3 (f) As used in this subsection, "prior conviction" means a  
4 conviction for a violation of section 625(1), (4), or (5), or  
5 former section 625(1) or (2), a local ordinance substantially  
6 corresponding to section 625(1), or former section 625(1) or (2),  
7 or a law of another state substantially corresponding to section  
8 625(1), (4), or (5), or former section 625(1) or (2).

9 (7) In addition to imposing the sanctions prescribed under  
10 subsections (4), (5), and (6), the court may, pursuant to the  
11 code of criminal procedure, Act No. 175 of the Public Acts of  
12 1927, being sections 760.1 to 776.21 of the Michigan Compiled  
13 Laws, order the person to pay the costs of the prosecution.

14 (8) The court shall impose license sanctions pursuant to  
15 section 625b.

16 (9) A person who is convicted of violating subsection (2) is  
17 guilty of a misdemeanor, punishable by imprisonment for not more  
18 than 90 days, or a fine of not less than \$100.00 or more than  
19 \$500.00, or both.

20 (10) If a person is convicted of violating subsection (3),  
21 the following shall apply:

22 (a) Except as otherwise provided in subdivisions (b) and  
23 (c), the person is guilty of a misdemeanor punishable by 1 or  
24 more of the following:

25 (i) Service to the community for a period of not more than  
26 45 days.

1       (ii) Imprisonment for not more than 90 days.

2       (iii) A fine of not more than \$300.00.

3       (b) If the violation occurs within 7 years of 1 prior con-  
4 viction, the person shall be sentenced to both a fine of not less  
5 than \$200.00 or more than \$1,000.00, and either of the  
6 following:

7       (i) Performing service to the community for a period of not  
8 less than 10 days or more than 90 days and may be sentenced to  
9 imprisonment for not more than 1 year.

10       (ii) Imprisonment for not more than 1 year and may be sen-  
11 tenced to community service for not more than 90 days.

12       (c) If the violation occurs within 10 years of 2 or more  
13 prior convictions, the person shall be sentenced to both a fine  
14 of not less than \$200.00 or more than \$1,000.00, and either of  
15 the following:

16       (i) Performing service to the community for a period of not  
17 less than 10 days or more than 90 days and may be sentenced to  
18 imprisonment for not more than 1 year.

19       (ii) Imprisonment for not more than 1 year and may be sen-  
20 tenced to community service for not more than 90 days.

21       (d) As used in subdivisions (b) and (c), "prior conviction"  
22 means a conviction for a violation of section 625(1), (3), (4),  
23 or (5), or former section 625(1) or (2), or former section 625b  
24 or a local ordinance substantially corresponding to section  
25 625(1), or former section 625(1) or (2), or former section 625b,  
26 or a law of another state substantially corresponding to section

1 625(1), (3), (4), or (5), or former section 625(1) or (2), or  
2 former section 625b.

3 (e) In addition to imposing the sanctions prescribed in sub-  
4 division (a), (b), or (c), the court may, pursuant to the code of  
5 criminal procedure, Act No. 175 of the Public Acts of 1927, order  
6 the person to pay the costs of the prosecution.

7 (f) The court shall order the secretary of state to impose  
8 license sanctions pursuant to section 625b.

9 (g) A person sentenced to perform service to the community  
10 under this subsection shall not receive compensation, and shall  
11 reimburse the state or appropriate local unit of government for  
12 the cost of supervision incurred by the state or local unit of  
13 government as a result of the person's activities in that  
14 service.

15 (11) If the prosecuting attorney intends to seek an enhanced  
16 sentence under subsection (6)(b) or (d) or (10)(b) or (c) based  
17 upon the defendant having 1 or more prior convictions, the prose-  
18 cuting attorney shall include on the complaint and information  
19 filed in district court, circuit court, recorder's court, munici-  
20 pal court, or probate court a statement listing the defendant's  
21 prior convictions.

22 (12) A prior conviction shall be established at sentencing  
23 by 1 or more of the following:

24 (a) An abstract of conviction.

25 (b) A copy of the defendant's driving record.

26 (c) An admission by the defendant.

1       (13) A person who is convicted of an attempted violation of  
2 subsection (1) or (3), or a local ordinance substantially  
3 corresponding to subsection (1) or (3) shall be punished as if  
4 the offense had been completed.

5       (14) When assessing points and taking licensing action under  
6 this act, the secretary of state and the court shall treat a con-  
7 viction of an attempted violation of subsection (1) or (3) or a  
8 local ordinance substantially corresponding to subsection (1) or  
9 (3), or a law of another state substantially corresponding to  
10 subsection (1) or (3) the same as if the offense had been  
11 completed.

12       Section 2. This amendatory act shall not take effect unless  
13 all of the following bills of the 87th Legislature are enacted  
14 into law:

15       (a) Senate Bill No. 710.

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17       (b) Senate Bill No. 711.

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