



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 348 (as reported by the Committee of the Whole)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Vehicle Code to do all of the following:

- Apply drunk driving prohibitions to violations that occurred anywhere within Michigan, rather than to violations that occur on a highway or other place generally accessible to motor vehicles.
- Allow a peace officer to make a warrantless arrest if a person were found in the driver's seat of a vehicle parked or stopped on a highway or street within this State if any part of the vehicle were on the roadway and the officer had reasonable cause to believe that the person was operating the vehicle in violation of the Code's drunk driving prohibitions.
- Provide that someone who committed a third OUIL violation within 10 years would have to be imprisoned under the jurisdiction of the Department of Corrections for not less than one year or more than five years or imprisoned in the county jail for not less than 30 days or more than one year, and would have to be fined at least \$500 but not more than \$5,000 (rather than imprisoned for not less than one year or more than five years and/or a fined not less than \$500 or more than \$5,000).

The bill is tie-barred to Senate Bill 347, which would amend the Code of Criminal Procedure to expand warrantless arrests for drunk driving violations, and would take effect on January 1, 1996.

MCL 257.625 et al.

Legislative Analyst: S. Margules

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State and local government.

In 1993, there were a total of 1,692 convictions for third OUIL offenses for which 421 (25%) individuals received a prison sentence. The other offenders received jail, probation, or some combination of jail and probation. Changing the law to allow a minimum of 30 days in jail could decrease the number of offenders sentenced to prison.

Date Completed: 5-2-95

Fiscal Analyst: M. Hansen