



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 845 (Substitute S-2 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code's drunk driving provisions to make it a misdemeanor to operate a vehicle while under the influence of liquor or a controlled substance (OUIL) or while impaired due to the consumption of liquor or a controlled substance (OWI) when another person, who was less than 16 years old, occupied the vehicle.

Under the Code, a first OUIL offense is punishable by up to 45 days of community service, up to 90 days' imprisonment, and/or a fine of from \$100 to \$500. A first OWI offense is punishable by up to 45 days of community service, up to 90 days' imprisonment, and/or a maximum fine of \$300. Under the bill, an OUIL offense committed while another person less than 16 years of age occupied the vehicle would be a misdemeanor punishable by not less than 60 days' or more than one year's imprisonment. An OWI offense committed while another person less than 16 years of age occupied the vehicle would be a misdemeanor punishable by not less than 30 days' or more than 90 days' imprisonment. A term of imprisonment for a violation of the bill would be in addition to, and could be served consecutively with, a sentence imposed for OUIL or OWI.

MCL 257.625 & 257.625b

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill could result in increased costs for local units of government.

The additional penalties could result in increased costs of prosecuting and sanctioning violators of the bill's new provisions. There are currently no data available on the number of offenders who are convicted of OUIL and also had a person who was less than 16 years old in the vehicle. Given that the maximum penalty for a violation would be up to one year's imprisonment, the fiscal impact on the Department of Corrections is expected to be insignificant. Since the bill also includes mandatory minimum sentencing provisions, not less than 60 days for OUIL, and not less than 30 days for OWI, costs at the local level would increase since the penalties would include increased use of jail time.

The bill would have no fiscal impact on the Department of State.

Date Completed: 3-13-96

Fiscal Analyst: M. Hansen
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.