



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 845 (as introduced 2-14-96)
Sponsor: Senator Joel D. Gougeon
Committee: Judiciary

Date Completed: 3-11-96

CONTENT

The bill would amend the Michigan Vehicle Code's drunk driving provisions to make it a misdemeanor to operate or attempt 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 or OWI offense committed or attempted while another person less than 16 years of age was present in the vehicle would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both. The bill specifies that this provision would not prohibit a person from being charged with, convicted of, or punished for the OUIL or OWI violation that was committed by the person while violating the bill's provision.

The bill also would extend to violations of the bill various driver's license sanctions, arrest procedures, court deadlines, and reporting requirements that the Code currently applies to OUIL and OWI offenses.

MCL 257.303 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

The enhanced 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. Costs at the local level could increase if the penalties included increased use of jail time or other sanctions and services. The additional fines in the bill, however, also could generate additional revenue.

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

Fiscal Analyst: M. Hansen
B. Bowerman

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