

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 270 and 271 (as introduced 3-4-97)
Sponsor: Senator Michael J. Bouchard
Committee: Judiciary

Date Completed: 2-17-98

CONTENT

Senate Bills 270 and 271 would amend the Michigan Vehicle Code and the Michigan Penal Code, respectively, to allow a court to order a person to pay child support to the parent or guardian of the minor child of any person who died or suffered a long-term incapacitating injury as a result of an alcohol- or drug-related driving offense. The court would have to determine the amount of child support by applying the child support formula developed under the Friend of the Court Act, considering the convicted defendant as if he or she were a parent of the child. Senate Bill 271 is tie-barred to Senate Bill 270.

Senate Bill 270

Under the Michigan Vehicle Code, a person is guilty of a felony if he or she operates a motor vehicle while under the influence of intoxicating liquor and/or a controlled substance, with an alcohol content of at least .10 gram per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while visibly impaired by the consumption of liquor and/or controlled substances, and thereby causes the death of another person. The Code also makes it a felony for a person to operate a motor vehicle while under the influence, with an unlawful body alcohol content, or while visibly impaired, and thereby cause a serious impairment of a body function of another person.

Under the bill, following notice and an opportunity for a hearing, the court could order a person convicted of either offense to pay child support to the parent or guardian of the minor child of any person who died or suffered a long-term incapacitating injury as a result of the violation.

Senate Bill 271

The bill would allow a court to order a person to pay child support, as described above, if he or she were convicted of first- or second-degree murder, manslaughter, or negligent homicide with a vehicle, by operating a motor vehicle while under the influence, with an unlawful body alcohol content, or while visibly impaired, and thereby causing the death of another person.

MCL 257.625 (S.B. 270)
750.316 et al. (S.B. 271)

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate impact. In 1996 there were 64 circuit court felony convictions under MCL 257.625(4) (drunk driving causing death). The number that will occur and the number of the victims who will have minor children are not determinable. The level of support required under the child support formula is based on a joint income model and other financial variables. Therefore, an average payment cannot be estimated.

Fiscal Analyst: B. Bowerman

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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.