

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 870 (as introduced 2-10-98)
Sponsor: Senator Joel D. Gougeon
Committee: Judiciary

Date Completed: 2-17-98

CONTENT

The bill would amend the Michigan Vehicle Code to provide penalties for a drunk driving offense committed while another person who was less than 16 years of age occupied the vehicle.

Under the bill, it would be a misdemeanor for someone to operate or attempt to operate a vehicle in violation of the Code's prohibitions against operation of a vehicle while under the influence of alcohol or a controlled substance (OUIL), operation while impaired by alcohol or a controlled substance (OWI), or OUIL or OWI that caused a death or serious impairment of a body function, while another person under 16 was in the vehicle. The misdemeanor would be punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both.

The bill specifies that the proposed violation would not preclude a person from being charged with, convicted of, or punished for an OUIL or OWI violation or for OUIL or OWI that caused a death or serious impairment of a body function. Points could not be assessed on a driver's record, however, for both the proposed violation and a drunk driving offense for conduct arising out of the same transaction.

The bill also would include the proposed violation, along with existing drunk driving offenses, in the Code's provisions for driver's license sanctions; assessment of points on a driver's record; prior convictions for enhanced penalties for subsequent drunk driving convictions; arrest without a warrant for drunk driving; court, State Police, and Secretary of State record-keeping requirements; and court deadlines for processing drunk driving cases.

MCL 257.303 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 870 would have an indeterminate fiscal impact on State and local government.

There are no data currently available that would indicate how many people might be convicted of the misdemeanor proposed in the bill. As the prescribed punishment would be up to one year in jail or a maximum fine of \$1,000, or both, local government could incur costs for incarceration and/or receive additional fine revenue. Costs of jail incarceration vary by county, so there is no information on potential cost per offender.

There would be minimal administrative costs imposed on the Secretary of State with its additional record-keeping requirements. Since, however, there are no data currently available that would indicate how many people might be convicted of the proposed misdemeanor, the fiscal impact is indeterminate.

Fiscal Analyst: K. Firestone
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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.