

HOUSE BILL No. 4351

March 2, 1999, Introduced by Rep. Gosselin and referred to the Committee on Transportation.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 48 of chapter XVII (MCL 777.48), as added by
1998 PA 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 48. (1) Offense variable 18 is operator ability
3 affected by alcohol or drugs. Score offense variable 18 by
4 determining which of the following apply and by assigning the
5 number of points attributable to the one that has the highest
6 number of points:

7 (a) The offender operated a vehicle when his or
8 her bodily alcohol content was 0.20 grams or more per

1 100 milliliters of blood, per 210 liters of breath, or
2 per 67 milliliters of urine..... 20 points

3 (b) The offender operated a vehicle when his or
4 her bodily alcohol content was 0.15 grams or more but
5 less than 0.20 grams per 100 milliliters of blood, per
6 210 liters of breath, or per 67 milliliters of urine.. 15 points

7 (c) The offender operated a vehicle when his or
8 her bodily alcohol content was ~~0.10~~ 0.08 grams or
9 more but less than 0.15 grams per 100 milliliters of
10 blood, per 210 liters of breath, or per 67 milliliters
11 of urine, or while he or she was under the influence
12 of intoxicating liquor or a controlled substance or a
13 combination of intoxicating liquor and a controlled
14 substance..... 10 points

15 (d) The offender operated a vehicle when his or
16 her bodily alcohol content was ~~0.07~~ 0.05 grams or
17 more but less than ~~0.10~~ 0.08 grams per 100 millili-
18 ters of blood, per 210 liters of breath, or per 67
19 milliliters of urine, or while he or she was visibly
20 impaired by the use of intoxicating liquor and a con-
21 trolled substance or a combination of intoxicating
22 liquor or a controlled substance, or was less than 21
23 years of age and had any bodily alcohol content..... 5 points

1 (e) The offender's ability to operate a vehicle
2 was not affected by an intoxicating liquor or a con-
3 trolled substance or a combination of intoxicating
4 liquor and a controlled substance..... 0 points

5 (2) As used in this section, "any bodily alcohol content"
6 means either of the following:

7 (a) An alcohol content of not less than 0.02 grams or more
8 than ~~0.07~~ 0.05 grams per 100 milliliters of blood, per 210
9 liters of breath, or per 67 milliliters of urine.

10 (b) Any presence of alcohol within an individual's body
11 resulting from the consumption of intoxicating liquor other than
12 the consumption of intoxicating liquor as part of a generally
13 recognized religious service or ceremony.

14 Enacting section 1. This amendatory act does not take
15 effect unless Senate Bill No. ____ or House Bill No. ____ (request
16 no. 02049'99) of the 90th Legislature is enacted into law.