



**House  
Legislative  
Analysis  
Section**

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**DRIVER'S LICENSE DRUG FUND  
DISTRIBUTION**

**House Bill 4091 with committee  
amendment  
First Analysis (1-31-02)**

**Sponsor: Rep. Michael Switalski  
Committee: Civil Law and the Judiciary**

***THE APPARENT PROBLEM:***

The 1993 appropriations act for the U.S. Department of Transportation required that certain federal highway funds be withheld from states that did not enact laws requiring the revocation or suspension of drivers' licenses for conviction of any drug offense, unless both the governor and the legislature submitted written certification of their opposition to such laws. In response to the federal mandate, the legislature enacted Public Acts 359, 360 and 361 of 1993, which amended various state laws, including the Michigan Vehicle Code, to require the revocation, suspension or restriction of drivers' licenses for drug-related offenses. The acts also require courts to report certain information to the secretary of state regarding attempts and conspiracies to violate, and actual violations of, state laws and local ordinances dealing with controlled substances. To help defray courts' costs of managing and transmitting such information, Public Act 359 established a "Drug Case Information Management Fund," which receives \$30 of each \$125 driver's license reinstatement fee paid by individuals whose licenses have been suspended, revoked or restricted for drug offenses. The act directs the state treasurer to distribute available fund money to each circuit, district, and probate court on the basis of its proportion of the state's drug caseload.

Public Act 388 of 1996 created the family division of circuit court with jurisdiction over cases—including juvenile drug cases—formerly handled by the family division of probate court. Although probate courts are technically eligible to receive fund money under current law, probate courts no longer handle drug cases, and thus fund money actually only goes to circuit courts and district courts. However, currently there are five municipal courts in the state, located in Eastpointe, Grosse Pointe, Grosse Pointe Farms, Grosse Point Park, and Grosse Point Woods. Like circuit courts and district courts, municipal courts handle drug cases and must report information concerning drug offenses to the secretary of state, but

the act does not direct the treasurer to distribute fund money to municipal courts. Some people believe that municipal courts ought to receive fund money on the basis of their proportion of the drug caseload, just as district courts and circuit courts do.

***THE CONTENT OF THE BILL:***

The Michigan Vehicle Code requires the revocation, suspension, or restriction of a person's driver's license if that person has been convicted of a drug-related offense. The code also provides for a Drug Case Information Management Fund to help courts defray costs associated with the management of information related to drug-related offenses and the transmission of such information to the secretary of state. The fund receives money each time an individual convicted of such an offense pays the driver's license reinstatement fee, and currently the state court administrator distributes available money to individual circuit, district, and probate courts. The distribution is made annually, and the amount that each court receives depends on its proportion of the statewide caseload for drug-related offenses.

The bill would amend the Michigan Vehicle Code (MCL 257.323d) to strike out current references to the probate court and replace them with references to municipal courts, so that available fund money would go to circuit, district, and municipal courts.

The bill's provisions would take effect on January 1, 2003.

MCL 257.323d

***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the State Court Administrative Office performs an annual survey detailing the number of drug-related cases processed by circuit courts and district courts during

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the prior year. The bill would require the inclusion of five new surveys for municipal courts and would result in minimal costs. (1-30-02)

### ***ARGUMENTS:***

#### ***For:***

The Michigan Vehicle Code clearly articulates that the fund's purpose is "to help defray the costs of complying with requirements for the timely management and reporting to the secretary of state of information concerning cases involving an attempt to violate, a conspiracy to violate, or a violation of" state laws or local ordinances concerning controlled substances. Currently, district courts, circuit courts and probate courts are eligible to receive fund money. There is no longer any reason to provide for distributions to probate courts, since they no longer have jurisdiction over drug offenses. More importantly, the code excludes the municipal court from the distribution of fund money. Since municipal courts do have jurisdiction over certain drug-related offenses, they must report relevant information to the secretary of state and assume costs associated with the management and transmission of such information. The legislature may have simply overlooked municipal courts when it established the fund, since there are only five municipal courts in the state. According to the House Fiscal Agency, the average reimbursement per eligible drug court case was \$2.42 in 1999 and \$2.40 in 2000, so municipal courts can hardly anticipate a windfall from their inclusion in the distribution of fund money. Still, it seems only fair that the state should help defray the costs of all courts that handle drug-related offenses if it is helping defray some courts' costs for drug cases.

### ***POSITIONS:***

There are no positions on the bill.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.