

Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 38 (as introduced 1-20-01)
Sponsor: Senator Walter H. North
Committee: Judiciary

Date Completed: 2-7-01

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to increase from 90 to 93 days the maximum period of imprisonment for various drunk boating misdemeanors.

Under the NREPA, operating a vessel while under the influence of liquor and/or a controlled substance (OUIL) or with a bodily alcohol content (BAC) of .10 gram or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine is a misdemeanor requiring punishment by one or more of the following:

- Community service for not more than 45 days.
- Up to 90 days' imprisonment.
- A fine of not less than \$100 or more than \$500.

Operating a vessel while visibly impaired due to the consumption of alcohol and/or a controlled substance (OWI) is a misdemeanor punishable by one or more of the following:

- Community service for not more than 45 days.
- Up to 90 days' imprisonment.
- A maximum fine of \$300.

It also is a misdemeanor for the owner or person in charge or in control of a vessel to authorize or knowingly permit the vessel to be operated by a person who is under the influence of liquor and/or a controlled substance or whose BAC is .10 or more. The offense is punishable by up to 90 days' imprisonment, a maximum fine of \$100, or both.

Under the bill, the maximum term of imprisonment for a boating OUIL, OWI, or .10 BAC offense would be 93 days. The bill would retain the other penalties.

MCL 324.80177 & 324.80178

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 38 could result in a potential additional cost of an indeterminate amount for local units of government.

There are no statewide data available to indicate how many offenders a year are convicted of operating watercraft while intoxicated, how long each offender serves in jail, or how sentencing patterns could change if three days were added to the maximum incarcerative sentence. Given that county jail costs vary from \$27 to \$65 a day, an additional three days of sentence for 10 offenders a year would produce additional annual costs for local units of government of between \$810 and \$1,950.

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.