

# Fiscal Analysis

DRUNK DRIVING: 0.08 *PER SE* STANDARD



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**Bill/Sponsor**

HOUSE BILL 4247 as passed by the Senate  
HOUSE BILL 4248 as passed by the Senate  
Sponsor: Rep. William Van Regenmorter

**House Committee**  
**Senate Committee**

Criminal Justice  
Judiciary

**Analysis****Summary**

**House Bill 4247** would amend the Michigan Vehicle Code to establish 0.08 percent blood alcohol content (as opposed to 0.10 percent) as the "per se" standard for driving while intoxicated; it also would make a variety of related changes pertaining to criminal process and licensure sanctions. **House Bill 4248** would amend the Code of Criminal Procedure to make complementary changes regarding sentencing guidelines, including scoring of offense variables.

**Fiscal Impact**Transportation Funding

Failure to adopt and enforce a 0.08 percent blood alcohol content (BAC) *per se* law by September 30, 2004 could subject the state to federal sanctions regarding aid to state transportation programs. For a detailed analysis of the sanctions that could be imposed, please see "*House Bills 4247 and 4248 – 0.08 Percent BAC and Federal Funding for Michigan Highway Programs*," which can be found on the House Fiscal Agency website:

<http://www.house.mi.gov/hfa/PDFs/HB4247.pdf>

Criminal Justice System

The bills would have an indeterminate impact on state and local justice systems. Because offenses involving a 0.08 percent BAC would be subject to stronger penalties than currently applicable, the bills could increase state and local correctional costs, as well as collections of penal fines, which are constitutionally dedicated to local libraries. Actual costs would depend on how the bills affected charging, pleading, and sentencing practices.

Secretary of State

Licensure sanctions contained in HB 4247 could pose additional administrative costs for the Department of State.

**Analyst(s)**

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FLOOR ANALYSIS - 7/15/03

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