

**DRUNK DRIVING: DECREASE BAC  
TO .08**

**House Bills 4005 and 4006**  
**Sponsor: Rep. Jerry Kratz**  
**Committee: Criminal Justice**

**Complete to 2-14-03**

**A SUMMARY OF HOUSE BILLS 4005 AND 4006 AS INTRODUCED 1-8-03**

The bills would amend current law to lower the bodily alcohol content (BAC) threshold for drunk driving from .10 to .08 and lower the BAC for driving while impaired to 0.05. The bills are tie-barred to each other. Specifically, the bills would do the following:

House Bill 4005 would amend the Michigan Vehicle Code (MCL 257.625 et al.) to lower the threshold for body alcohol content (BAC) for operating under the influence of an intoxicating liquor from .10 to .08 grams per 100 milliliters of blood and to lower the BAC for operating a vehicle while visibly impaired from .07 to .05 grams per 100 milliliters of blood. All current references to a BAC of 0.10 would be lowered to 0.08 and all references to a BAC of 0.07 would be lowered to 0.05.

House Bill 4006 would amend the Code of Criminal Procedure (MCL 777.48) to revise Offensive Variable 18 of the sentencing guidelines to reflect the lower BAC thresholds. Under the bill, 10 points would be scored if the offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.10 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was under the influence of intoxicating liquor, a controlled substance, or a combination of both.

Five points would be scored if the offender operated any of the vehicles described above when his or her bodily alcohol content was 0.05 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was visibly impaired by the use of an intoxicating liquor, a controlled substance, or combination of both.

Further, the bill would revise the definition of “any bodily alcohol content” to mean either an alcohol content of not less than 0.02 grams or more than 0.05 (reduced from 0.07) grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or any presence of alcohol within an individual’s body resulting from the consumption of intoxicating liquor other than the consumption of intoxicating liquor as part of a generally recognized religious service or ceremony.

Analyst: S. Stutzky

■ 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.