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Senate Bill 637 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Tom George  
Committee: Judiciary

## **CONTENT**

The bill would amend the Michigan Liquor Control Code, effective January 31, 2004, to:

- Include having "any bodily alcohol content" in the prohibition against the purchase, consumption, or possession of alcohol by a minor (a person under 21).
- Include jail time in the penalties for a second or subsequent conviction or juvenile adjudication, if the minor had violated an order of probation for that offense.
- Allow a first-time offender who pleaded guilty to serve a probationary term and have the charges dismissed without adjudication of guilt upon fulfilling the conditions of probation.

A violation is a misdemeanor punishable by a maximum fine of \$100 for a first offense, \$200 for a second, and \$500 for a third or subsequent offense. Under the bill, the penalty for a second offense would include up to 30 days' imprisonment, and the penalty for a third or subsequent violation would include up to 60 days' imprisonment, if the court found that the offender had violated an order of probation for that conviction or juvenile court adjudication.

MCL 436.1703

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

Corrections. The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. There are no statewide data available to indicate how many minors are currently convicted of a misdemeanor for the purchase, consumption, or possession of alcoholic liquor. Local units of government incur the cost of both misdemeanor probation and incarceration in a local facility, which varies by county. The bill could increase costs to local units by adding the possibility of imprisonment for up to 30 days for a second violation or up to 60 days for a third or subsequent violation, if the minor violated probation. The bill also could increase costs by increasing the number of potentially convicted offenders, as a result of adding having any bodily alcohol content to the existing offense. Public libraries would benefit from any additional penal fines collected.

Law Enforcement. The bill would require the establishment of a nonpublic record of arrests and discharge or dismissal for a first offense. Since a first offense is a misdemeanor not punishable by imprisonment, it does not fall among those offenses for which a fingerprint file is mandated. Since the record system of the criminal justice information center of the Department of State Police is fingerprint-based, maintaining a nonfingerprint-based record system could result in additional costs, which cannot be determined at this time.

License Sanctions. The bill could have an impact on the Department of State if the number of license revocations changed.

Date Completed: 11-6-03

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