

# HOUSE BILL No. 4006

January 8, 2003, Introduced by Rep. Kratz and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 48 of chapter XVII (MCL 777.48), as amended  
by 2000 PA 279.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 1 CHAPTER XVII

2 Sec. 48. (1) Offense variable 18 is operator ability  
3 affected by alcohol or drugs. Score offense variable 18 by  
4 determining which of the following apply and by assigning the  
5 number of points attributable to the one that has the highest  
6 number of points:

7 (a) The offender operated a vehicle, vessel, ORV,  
8 snowmobile, aircraft, or locomotive when his or her  
9 bodily alcohol content was 0.20 grams or more per 100  
10 milliliters of blood, per 210 liters of breath, or per

1 67 milliliters of urine..... 20 points

2 (b) The offender operated a vehicle, vessel, ORV,  
3 snowmobile, aircraft, or locomotive when his or her  
4 bodily alcohol content was 0.15 grams or more but less  
5 than 0.20 grams per 100 milliliters of blood, per 210  
6 liters of breath, or per 67 milliliters of urine..... 15 points

7 (c) The offender operated a vehicle, vessel, ORV,  
8 snowmobile, aircraft, or locomotive when his or her  
9 bodily alcohol content was ~~0.10~~ 0.08 grams or more  
10 but less than 0.15 grams per 100 milliliters of blood,  
11 per 210 liters of breath, or per 67 milliliters of  
12 urine, or while he or she was under the influence of  
13 intoxicating liquor or a controlled substance or a  
14 combination of intoxicating liquor and a controlled  
15 substance..... 10 points

16 (d) The offender operated a vehicle, vessel, ORV,  
17 snowmobile, aircraft, or locomotive when his or her  
18 bodily alcohol content was ~~0.07~~ 0.05 grams or more  
19 but less than ~~0.10~~ 0.08 grams per 100 milliliters of  
20 blood, per 210 liters of breath, or per 67 milliliters  
21 of urine, or while he or she was visibly impaired by  
22 the use of intoxicating liquor or a controlled  
23 substance or a combination of intoxicating liquor and  
24 a controlled substance, or was less than 21 years of  
25 age and had any bodily alcohol content..... 5 points

26 (e) The offender's ability to operate a vehicle,  
27 vessel, ORV, snowmobile, aircraft, or locomotive was

1 not affected by an intoxicating liquor or a controlled  
2 substance or a combination of intoxicating liquor and  
3 a controlled substance..... 0 points

4 (2) As used in this section, "any bodily alcohol content"  
5 means either of the following:

6 (a) An alcohol content of not less than 0.02 grams or more  
7 than ~~0.07~~ **0.05** grams per 100 milliliters of blood, per 210  
8 liters of breath, or per 67 milliliters of urine.

9 (b) Any presence of alcohol within an individual's body  
10 resulting from the consumption of intoxicating liquor other than  
11 the consumption of intoxicating liquor as part of a generally  
12 recognized religious service or ceremony.

13 Enacting section 1. This amendatory act does not take  
14 effect unless Senate Bill No. \_\_\_\_ or House Bill No. 4005 (request  
15 no. 00345'03) of the 92nd Legislature is enacted into law.