

# SENATE BILL No. 182

February 13, 2003, Introduced by Senator PATTERSON and referred to the Committee on Judiciary.

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:**

CHAPTER XVII

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

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

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- 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  
5 content" means either of the following: .....

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

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

15 Enacting section 1. This amendatory act does not take  
16 effect unless Senate Bill No. 181

17 of the 92nd Legislature is enacted into law.