



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 1578 through 1582 (as introduced 11-5-08)

Sponsor: Senator Valde Garcia (S.B. 1578)

Senator Michael Switalski (S.B. 1579 & 1580)

Senator Jason E. Allen (S.B. 1581)

Senator Alan Cropsey (S.B. 1582)

Committee: Transportation

Date Completed: 11-12-08

CONTENT

Senate Bill 1578 would amend the Adult Foster Care Facility Licensing Act to prohibit an adult foster care facility from employing or contracting with an individual who provided services to or had regular access to residents of the facility if the individual had been convicted of a moving violation causing death within the previous five years.

Senate Bills 1579 and 1580 would amend the Public Health Code and Mental Health Code, respectively, to prohibit certain health facilities and agencies, psychiatric hospitals, and intermediate care facilities for people with mental retardation from employing, independently contracting with, or granting clinical privileges to an individual who provided services to or had regular access to patients or residents in the facility or agency, if the individual had been convicted of a moving violation that caused the death of another person within the previous five years.

Senate Bill 1581 would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act (NREPA) to require the Secretary of State to order a person not to operate a snowmobile for one year if he or she had been convicted of violating certain sections of the Michigan Vehicle Code regarding reckless driving that caused the death of or serious injury to another person.

Senate Bill 1582 would amend the Code of Criminal Procedure to permit the court, if an individual were convicted of one of the following violations, to order him or her to reimburse the State or local unit of government for expenses incurred in relation to the incident:

- A moving violation that caused the death of or serious injury to another person.
- Reckless driving that caused the death of or serious injury to another person.

Each of the bills is tie-barred to Senate Bill 104, which would amend the Michigan Vehicle Code to establish penalties for a moving violation that seriously injured or killed another person, and for reckless driving that seriously injured or killed another person. (For a more detailed description of those provisions, please see **BACKGROUND.**)

Senate Bills 1578, 1579, 1580, and 1582 would take effect October 31, 2010. The bills are described in detail below.

Senate Bill 1578

Under the Adult Foster Care Facility Licensing Act, an adult foster care facility may not employ or contract independently with an individual who regularly has direct access to or provides direct services to residents of the facility if the individual has been convicted of one or more crimes specified in the Act.

Under the bill, that provision would apply if an individual had been convicted of a moving violation causing death within the five years immediately preceding the date of application for employment or the date of the execution of the independent contract.

Senate Bill 1579

Under the Public Health Code, a health facility or agency that is a nursing home, county medical care facility, hospice, home for the aged, home health agency, or hospital that provides swing bed services may not employ, independently contract with, or grant clinical privileges to an individual who regularly has direct access to or provides direct services to patients or residents in the health facility or agency if the individual has been convicted of one or more crimes specified in the Code.

Under the bill, that provision would apply if, within the five years immediately preceding the date of application for employment or the date of the execution of the independent contract, the individual had been convicted of a violation of Section 601d(1) of the Michigan Vehicle Code.

(Under that section, which Senate Bill 104 (S-3) would add, a person who committed a moving violation that caused the death of another person would be guilty of a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$2,000, or both.)

Senate Bill 1580

Under the Mental Health Code, a psychiatric facility or intermediate care facility for people with mental retardation may not employ, independently contract with, or grant clinical privileges to an individual who regularly has direct access to or provides direct services to patients or residents in the facility if the individual meets one or more specific conditions or has been convicted of one or more crimes specified in the Code.

Under the bill, that provision would apply if, within the five years immediately preceding the date of application for employment or the date of the execution of the independent contract, the individual had been convicted of a moving violation causing death.

Senate Bill 1581

Under Part 821 of NREPA, if a person is convicted of certain offenses, and the court has not ordered the person not to operate a snowmobile, the Secretary of State must issue an order that the person not operate a snowmobile for a specific period of time, depending on the violation.

The bill would require the Secretary of State to order a person not to operate a snowmobile for one year for a violation of Section 626(3) or 626(4) of the Michigan Vehicle Code (which Senate Bill 104 (S-3) would add.)

(Under Section 626(3), reckless driving that caused serious impairment of a body function of another person would be a felony punishable by imprisonment for up to five years or a fine of at least \$1,000 but not more than \$5,000, or both, and vehicle immobilization.

Under Section 626(4), reckless driving that caused the death of another person would be a felony punishable by imprisonment for up to 15 years or a fine of at least \$2,500 but not more than \$10,000, or both, and vehicle immobilization.)

Senate Bill 1582

The Code of Criminal Procedure permits the court, as part of the sentence for a conviction of certain offenses and in addition to any other penalty authorized by law, to order the person convicted to reimburse the State or a local unit of government for expenses incurred in relation to the incident, including expenses for an emergency response and expense for prosecuting the person.

Under the bill, that provision would apply to a violation or attempted violation of Section 601d, 626(3), or 626(4) of the Michigan Vehicle Code. (As described above, Senate Bill 104 (S-3) would create those sections to add penalties for a moving violation or reckless driving that caused the death of or serious injury to another person.)

MCL 400.734b (S.B. 1578)
333.20173a (S.B. 1579)
330.1134a (S.B. 1580)
324.82147 (S.B. 1581)
769.1f (S.B. 1582)

BACKGROUND

Senate Bill 104 (S-3) would create Section 601d of the Michigan Vehicle Code (dealing with a moving violation that caused the death of or serious injury to another person) and Sections 626(3) and 626(4) (dealing with reckless driving that caused the death of or serious injury to another person).

Under proposed Section 601d, a person who committed a moving violation that caused the death of another person would be guilty of a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$2,000, or both. A person who committed a moving violation that caused serious impairment of a body function of another person would be guilty of a misdemeanor punishable by imprisonment for up to 93 days or a maximum fine of \$500, or both.

Under proposed Section 626(3), if a person operated a vehicle in violation of the reckless driving provisions of the Code and by the operation of the vehicle caused serious impairment of a body function of another person, the violator would be guilty of a felony punishable by imprisonment for up to five years or a fine of not less than \$1,000 or more than \$5,000, or both.

Under proposed Section 626(4), if a person who operated a vehicle in violation of the reckless driving provisions and by the operation of the vehicle caused the death of another person, the violator would be guilty of a felony punishable by imprisonment for up to 15 years or a fine of at least \$2,500 but not more than \$10,000, or both.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

Senate Bills 1578, 1579, & 1580

It is unlikely that the bills would have any fiscal impact on State or local government. The bills merely would add an additional specification to background checks already required of prospective employees.

Senate Bill 1581

The bill would have no fiscal impact on State or local government.

Senate Bill 1582

The bill would result in additional revenue to the State and local units of government, depending on the number of violations and the amount of costs incurred.

Fiscal Analyst: Bill Bowerman
Joe Carrasco
Matt Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.