



Senate Fiscal Agency  
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**BILL ANALYSIS**

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House Bill 5160 (Substitute H-1 as reported by the Committee of the Whole)

Sponsor: Representative James Marleau

House Committee: Judiciary

Senate Committee: Judiciary

**CONTENT**

The bill would amend the Michigan Vehicle Code to include in the definition of "prior conviction", in the Code's drunk driving provisions, a conviction under a law of the United States substantially corresponding to a law of this State.

Generally, violations of Section 625 of the Code carry enhanced penalties if the offender has a "prior conviction", meaning a conviction, whether under a law of this State, a local ordinance substantially corresponding to a law of this State, or a law of another state substantially corresponding to a Michigan law, for any of the following violations or an attempt to commit them:

- A violation of Section 625 involving the operation of a vehicle while under the influence of liquor and/or a controlled substance, or while visibly impaired or with an unlawful bodily alcohol content.
- A violation of Section 625m of the Code (which prohibits the operation of a commercial motor vehicle by a person who has an alcohol content above prescribed levels).
- Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle.

The bill would include as a "prior conviction" a conviction for any of the above under a law of the United States substantially corresponding to a law of this State.

The bill would take effect on January 1, 2009.

MCL 257.625

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many more offenders' sentences would take into account prior convictions under Section 625 based on Federal violations. In 2007, there were 48,150 offenders convicted under Sections 625 and 625m. Of those offenders, 3,601 were convicted of felony offenses that take into account prior convictions under Section 625 or convicted of attempting the offenses; 761 were sentenced to prison, 2,482 to probation, and 358 to jail. There are no data on the number of offenders convicted of misdemeanor offenses that take into account prior convictions under Section 625. To the extent that the bill would increase incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. To the extent that the bill increased incarceration time for felonies, or resulted in felony rather than misdemeanor convictions, the State would incur increased costs of felony probation at an annual average cost of \$2,000, as well as increased costs of incarceration in a State facility at an average annual cost of \$32,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-3-08

Fiscal Analyst: Lindsay Hollander

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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.