

SUBSTITUTE FOR  
HOUSE BILL NO. 5273

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 1084.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 1084. (1) A DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT IS  
2        CREATED UTILIZING THE DWI/SOBRIETY COURTS IN THIS STATE AND IN  
3        ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. THE DWI/SOBRIETY  
4        COURT INTERLOCK PROJECT SHALL BEGIN ON OCTOBER 31, 2010 AND SHALL  
5        CONTINUE FOR A PERIOD OF 3 YEARS AFTER THAT DATE.

6        (2) ALL DWI/SOBRIETY COURTS THAT PARTICIPATE IN THE  
7        DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT SHALL COMPLY WITH THE 10  
8        GUIDING PRINCIPLES OF DWI COURTS AS PROMULGATED BY THE NATIONAL  
9        CENTER FOR DWI COURTS.

10       (3) IN ORDER TO BE CONSIDERED FOR PLACEMENT IN THE PILOT

1 PROGRAM, AN INDIVIDUAL MUST HAVE BEEN CONVICTED OF EITHER OF THE  
2 FOLLOWING:

3 (A) TWO OR MORE CONVICTIONS FOR VIOLATING SECTION 625(1) OR  
4 (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, OR A  
5 LOCAL ORDINANCE OF THIS STATE SUBSTANTIALLY CORRESPONDING TO  
6 SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,  
7 MCL 257.625.

8 (B) ONE CONVICTION FOR VIOLATING SECTION 625(1) OR (3) OF THE  
9 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, OR A LOCAL  
10 ORDINANCE OF THIS STATE SUBSTANTIALLY CORRESPONDING TO SECTION  
11 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
12 257.625, PRECEDED BY 1 OR MORE CONVICTIONS FOR VIOLATING A LOCAL  
13 ORDINANCE OR LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO  
14 SECTION 625(1), (3), OR (6) OF THE MICHIGAN VEHICLE CODE, 1949 PA  
15 300, MCL 257.625, OR A LAW OF THE UNITED STATES SUBSTANTIALLY  
16 CORRESPONDING TO SECTION 625(1), (3), OR (6) OF THE MICHIGAN  
17 VEHICLE CODE, 1949 PA 300, MCL 257.625.

18 (4) EACH YEAR, ALL DWI/SOBRIETY COURTS THAT PARTICIPATE IN THE  
19 DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT, IN COOPERATION WITH THE  
20 STATE COURT ADMINISTRATIVE OFFICE, SHALL PROVIDE TO THE  
21 LEGISLATURE, THE SECRETARY OF STATE, AND THE SUPREME COURT  
22 DOCUMENTATION AS TO PROGRAM PARTICIPANTS' COMPLIANCE WITH COURT  
23 ORDERED CONDITIONS. BEST PRACTICES AVAILABLE SHALL BE USED IN THE  
24 RESEARCH IN QUESTION, AS RESOURCES ALLOW, SO AS TO PROVIDE  
25 STATISTICALLY RELIABLE DATA AS TO THE IMPACT OF THE PILOT PROJECT  
26 ON PUBLIC SAFETY AND THE IMPROVEMENT OF LIFE CONDITIONS FOR PROGRAM  
27 PARTICIPANTS. THE TOPICS DOCUMENTED SHALL INCLUDE, BUT NOT BE

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LIMITED TO, ALL OF THE FOLLOWING:

(A) THE PERCENTAGE OF THOSE PARTICIPANTS ORDERED TO PLACE INTERLOCK DEVICES ON THEIR VEHICLES WHO ACTUALLY COMPLY WITH THE ORDER.

(B) THE PERCENTAGE OF PARTICIPANTS WHO REMOVE COURT-ORDERED INTERLOCKS FROM THEIR VEHICLES WITHOUT COURT APPROVAL.

(C) THE PERCENTAGE OF PARTICIPANTS WHO CONSUME ALCOHOL OR CONTROLLED SUBSTANCES.

(D) THE PERCENTAGE OF PARTICIPANTS FOUND TO HAVE TAMPERED WITH COURT-ORDERED INTERLOCKS.

(E) THE PERCENTAGE OF PARTICIPANTS WHO OPERATED A MOTOR VEHICLE NOT EQUIPPED WITH AN INTERLOCK.

(F) RELEVANT TREATMENT INFORMATION AS TO PROGRAM PARTICIPANTS.

(G) THE PERCENTAGE OF PERSONS CONVICTED OF A NEW OFFENSE UNDER SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625.

(H) ANY OTHER INFORMATION FOUND TO BE RELEVANT.

(5) BEFORE THE SECRETARY OF STATE ISSUES A RESTRICTED LICENSE TO A PARTICIPANT IN THE PILOT PROJECT UNDER SECTION [304] OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL [257.304], THE DWI/SOBRIETY COURT JUDGE SHALL CERTIFY TO THE SECRETARY OF STATE THAT THE INDIVIDUAL SEEKING THE RESTRICTED LICENSE HAS BEEN ADMITTED INTO THE DWI/SOBRIETY COURT AND THAT AN INTERLOCK DEVICE HAS BEEN PLACED ON EACH MOTOR VEHICLE OWNED OR OPERATED, OR BOTH, BY THE INDIVIDUAL.

(6) IF ANY OF THE FOLLOWING OCCUR, THE DWI/SOBRIETY COURT JUDGE SHALL IMMEDIATELY INFORM THE SECRETARY OF STATE OF THAT

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OCCURRENCE:

(A) THE COURT ORDERS THAT A PROGRAM PARTICIPANT BE REMOVED FROM THE DWI/SOBRIETY COURT PROGRAM BEFORE HE OR SHE SUCCESSFULLY COMPLETES IT.

(B) THE COURT BECOMES AWARE THAT A PROGRAM PARTICIPANT OPERATES A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN INTERLOCK DEVICE OR THAT A PROGRAM PARTICIPANT TAMPERS WITH, CIRCUMVENTS, OR REMOVES A COURT-ORDERED INTERLOCK DEVICE WITHOUT PRIOR COURT APPROVAL.

(C) A PROGRAM PARTICIPANT IS CHARGED WITH A NEW VIOLATION OF SECTION 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625.

(7) THE RECEIPT OF NOTIFICATION BY THE SECRETARY OF STATE UNDER SUBSECTION (6) SHALL RESULT IN SUMMARY REVOCATION OF THE RESTRICTED LICENSE UNDER SECTION [304] OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL [257.304], OR SUSPENSION OF THE RESTRICTED LICENSE UNDER SECTION 319 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.319, AS APPLICABLE.

(8) AS USED IN THIS SECTION:

(A) "DWI/SOBRIETY COURTS" MEANS THE SPECIALIZED COURT PROGRAMS ESTABLISHED WITHIN JUDICIAL CIRCUITS AND DISTRICTS THROUGHOUT THIS STATE THAT ARE DESIGNED TO REDUCE RECIDIVISM AMONG ALCOHOL OFFENDERS AND THAT COMPLY WITH THE 10 GUIDING PRINCIPLES OF DWI COURTS AS PROMULGATED BY THE NATIONAL CENTER FOR DWI COURTS.

(B) "IGNITION INTERLOCK DEVICE" MEANS THAT TERM AS DEFINED IN SECTION 20D OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.20D.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5274 of the 95th Legislature is enacted into

1 law.