

SENATE 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 PILOT PROJECT SHALL BEGIN ON JANUARY 1, 2011 AND
5 SHALL 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.

1 (3) IN ORDER TO BE CONSIDERED FOR PLACEMENT IN THE
2 DWI/SOBRIETY COURT PROGRAM, AN INDIVIDUAL MUST HAVE BEEN CONVICTED
3 OF EITHER OF THE FOLLOWING:

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

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

19 (4) EACH YEAR, ALL DWI/SOBRIETY COURTS THAT PARTICIPATE IN THE
20 DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT, IN COOPERATION WITH THE
21 STATE COURT ADMINISTRATIVE OFFICE, SHALL PROVIDE TO THE
22 LEGISLATURE, THE SECRETARY OF STATE, AND THE SUPREME COURT
23 DOCUMENTATION AS TO PROGRAM PARTICIPANTS' COMPLIANCE WITH COURT
24 ORDERED CONDITIONS. BEST PRACTICES AVAILABLE SHALL BE USED IN THE
25 RESEARCH IN QUESTION, AS RESOURCES ALLOW, SO AS TO PROVIDE
26 STATISTICALLY RELIABLE DATA AS TO THE IMPACT OF THE PILOT PROJECT
27 ON PUBLIC SAFETY AND THE IMPROVEMENT OF LIFE CONDITIONS FOR PROGRAM

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1 PARTICIPANTS. THE TOPICS DOCUMENTED SHALL INCLUDE, BUT NOT BE
2 LIMITED TO, ALL OF THE FOLLOWING:

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

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

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

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

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

14 (F) RELEVANT TREATMENT INFORMATION AS TO PROGRAM PARTICIPANTS.

15 (G) THE PERCENTAGE OF PROGRAM PARTICIPANTS CONVICTED OF A NEW
16 OFFENSE UNDER SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE,
17 1949 PA 300, MCL 257.625.

18 (H) ANY OTHER INFORMATION FOUND TO BE RELEVANT.

19 (5) BEFORE THE SECRETARY OF STATE ISSUES A RESTRICTED LICENSE
20 TO A PROGRAM PARTICIPANT UNDER SECTION 304 OF THE MICHIGAN VEHICLE
21 CODE, 1949 PA 300, MCL 257.304, THE DWI/SOBRIETY COURT JUDGE SHALL
22 CERTIFY TO THE SECRETARY OF STATE THAT THE INDIVIDUAL SEEKING THE
23 RESTRICTED LICENSE HAS BEEN ADMITTED INTO THE DWI/SOBRIETY COURT
<<PROGRAM>>

24 AND THAT AN INTERLOCK DEVICE HAS BEEN PLACED ON EACH MOTOR VEHICLE
25 OWNED OR OPERATED, OR BOTH, BY THE INDIVIDUAL.

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

1 OCCURRENCE:

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

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

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

12 (7) THE RECEIPT OF NOTIFICATION BY THE SECRETARY OF STATE
13 UNDER SUBSECTION (6) SHALL RESULT IN SUMMARY REVOCATION OR
14 SUSPENSION OF THE RESTRICTED LICENSE UNDER SECTION 304 OF THE
15 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.304.

16 (8) AS USED IN THIS SECTION:

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

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

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 795 of the 95th Legislature is enacted into
26 law.