

HOUSE BILL No. 5273

August 19, 2009, Introduced by Reps. Corriveau and Lipton and referred to the Committee on Judiciary.

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 1, 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 ASSOCIATION OF DRUG COURT PROFESSIONALS.

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

1 PROGRAM, AN INDIVIDUAL MUST HAVE BEEN CONVICTED OF 2 OR MORE
2 VIOLATIONS OF SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE,
3 1949 PA 300, MCL 257.625.

4 (4) EACH YEAR, ALL DWI/SOBRIETY COURTS THAT PARTICIPATE IN THE
5 DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT, IN COOPERATION WITH THE
6 STATE COURT ADMINISTRATIVE OFFICE, SHALL PROVIDE TO THE
7 LEGISLATURE, THE SECRETARY OF STATE, AND THE SUPREME COURT
8 DOCUMENTATION AS TO PROGRAM PARTICIPANTS' COMPLIANCE WITH COURT
9 ORDERED CONDITIONS. BEST PRACTICES AVAILABLE SHALL BE USED IN THE
10 RESEARCH IN QUESTION, AS RESOURCES ALLOW, SO AS TO PROVIDE
11 STATISTICALLY RELIABLE DATA AS TO THE IMPACT OF THE PILOT PROJECT
12 ON PUBLIC SAFETY AND THE IMPROVEMENT OF LIFE CONDITIONS FOR PROGRAM
13 PARTICIPANTS. THE TOPICS DOCUMENTED SHALL INCLUDE, BUT NOT BE
14 LIMITED TO, ALL OF THE FOLLOWING:

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

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

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

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

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

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

27 (G) THE PERCENTAGE OF PERSONS CONVICTED OF A NEW OFFENSE UNDER

1 SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
2 MCL 257.625.

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

4 (5) BEFORE THE SECRETARY OF STATE ISSUES A RESTRICTED LICENSE
5 TO A PARTICIPANT IN THE PILOT PROJECT UNDER SECTION 303 OF THE
6 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.303, THE DWI/SOBRIETY
7 COURT JUDGE SHALL CERTIFY TO THE SECRETARY OF STATE THAT THE
8 INDIVIDUAL SEEKING THE RESTRICTED LICENSE HAS BEEN ADMITTED INTO
9 THE DWI/SOBRIETY COURT AND THAT AN INTERLOCK DEVICE HAS BEEN PLACED
10 ON EACH MOTOR VEHICLE OWNED OR OPERATED, OR BOTH, BY THE
11 INDIVIDUAL.

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

15 (A) A PROGRAM PARTICIPANT IS TERMINATED FROM THE DWI/SOBRIETY
16 COURT PROGRAM.

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

21 (C) A PROGRAM PARTICIPANT IS CHARGED WITH A NEW VIOLATION OF
22 SECTION 625(1) OR (3) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
23 MCL 257.625.

24 (7) THE RECEIPT OF NOTIFICATION BY THE SECRETARY OF STATE
25 UNDER SUBSECTION (6) SHALL RESULT IN SUMMARY REVOCATION OF THE
26 RESTRICTED LICENSE UNDER SECTION 303 OF THE MICHIGAN VEHICLE CODE,
27 1949 PA 300, MCL 257.303, OR SUSPENSION OF THE RESTRICTED LICENSE

1 UNDER SECTION 319 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
2 257.319, AS APPLICABLE.

3 (8) AS USED IN THIS SECTION, "DWI/SOBRIETY COURTS" MEANS THE
4 SPECIALIZED COURT PROGRAMS ESTABLISHED WITHIN JUDICIAL CIRCUITS AND
5 DISTRICTS THROUGHOUT THIS STATE THAT ARE DESIGNED TO REDUCE
6 RECIDIVISM AMONG ALCOHOL OFFENDERS AND THAT COMPLY WITH THE 10
7 GUIDING PRINCIPLES OF DWI COURTS AS PROMULGATED BY THE NATIONAL
8 ASSOCIATION OF DRUG COURT PROFESSIONALS.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 5274(request no.
11 02789'09 *) of the 95th Legislature is enacted into law.