



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



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

House Bill 4393 (Substitute H-4 as reported by the Committee of the Whole)

Sponsor: Representative Anthony G. Forlini

House Committee: Judiciary

Senate Committee: Judiciary

## **CONTENT**

The bill would amend the Michigan Liquor Control Code to do the following:

- Exempt a minor from a violation involving the purchase, consumption, or possession of alcohol if he or she sought medical treatment or accompanied another person who sought treatment.
- Require a health facility or agency to notify the parent, guardian, or custodian of a minor under 18 who voluntarily sought treatment or observation after consuming alcohol.
- Specify that a violation that was deferred, discharged, and dismissed would be considered a prior violation for the purposes of enhanced sentencing for a second or subsequent violation.

The Code prohibits a minor (a person under 21) from purchasing, consuming, or possessing alcoholic liquor, attempting to purchase, consume, or possess alcoholic liquor, or having any bodily alcohol content, except as otherwise provided. Under the bill, the following individuals would not be considered to be in violation of those prohibitions:

- A minor who had consumed alcohol and voluntarily presented himself or herself to a health facility or agency for treatment or observation, including examination and treatment for any condition arising from criminal sexual conduct committed against a minor.
- A minor who accompanied an individual who had consumed alcohol and voluntarily presented himself or herself to a health facility or agency for treatment or observation.
- A minor who initiated contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

The bill would take effect on June 1, 2012.

MCL 436.1703

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate, but likely minor, fiscal impact on State and local government. The exact number of future cases that could fall under this amnesty clause is unknown, but to the extent that it reduced misdemeanor convictions there would be a corresponding drop in local incarceration and supervision costs as well as decreased fine revenue.

Date Completed: 4-17-12

Fiscal Analyst: Dan O'Connor