

CHEMICAL ANALYSIS OF DRIVER'S SAMPLES

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Senate Bill 80 (proposed substitute H-3)

Sponsor: Sen. Wayne Schmidt

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 5-28-18

Analysis available at

<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 80 would amend provisions of the Michigan Vehicle Code pertaining to chemical tests used in determining the amount of alcohol or presence of a controlled substance or other intoxicating substance, or a combination of these, in a driver's blood or urine after an accident. The bill would do the following:

- Specify that the results of a chemical analysis of a sample of a driver's urine that had been taken for medical treatment after an accident are admissible in a civil or criminal proceeding.
- Specify that a law enforcement officer, rather than a medical examiner, would direct the manner in which the sample of blood currently required to be drawn from a deceased driver after an accident is to be taken.

Under current law, if the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample of blood are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance at the time alleged. This applies whether the person had been offered or had refused a chemical test.

The bill would also apply this provision to the results of a chemical analysis of the driver's urine, if a sample had been obtained. The results of an analysis of either or both of the samples (urine and/or blood) would be admissible in any civil or criminal proceeding.

Currently, if the driver of a vehicle involved in an accident is deceased, a sample of the decedent's blood is required to be withdrawn in a manner directed by the *medical examiner*.

The bill would instead require the blood to be withdrawn in a manner directed by the *law enforcement officer*. (The blood sample is taken to determine the amount of alcohol or presence of a controlled substance or other intoxicating substance, or any combination, in the decedent's blood.)

The bill would take effect 90 days after enactment.

MCL 257.625a

FISCAL IMPACT:

This bill would have no fiscal impact on the Department of State Police or local law enforcement agencies.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.