

Legislative Analysis



MIP: REQUIRE ABSTRACT TO SOS FOR JUVENILE VIOLATIONS

Phone: (517) 373-8080
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House Bill 4756 as reported from committee w/o amendment
Sponsor: Rep. Peter J. Lucido
Committee: Judiciary
Complete to 10-9-17

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 160 of 2017)

BRIEF SUMMARY: The bill would require a court to send an abstract to the secretary of state for certain minor in possession violations.

FISCAL IMPACT: House Bill 4756 would have an indeterminate fiscal impact on local court systems. The fiscal impact would depend on how provisions of the bill affected court caseloads and related administrative costs.

THE APPARENT PROBLEM:

When a person is convicted or found responsible for a civil infraction for certain violations of the Michigan Vehicle Code, a judge or clerk of a court of record is required to prepare and forward to the secretary of state (SOS) an abstract of the court record. An abstract includes such things as the person's name, address, date of birth, driver license number, nature of the violation, date of conviction or finding, and any license sanction (e.g. restriction, suspension, or denial) that had been ordered by the court.

An abstract of the court record must also be forwarded to the SOS upon a conviction involving certain violations of various acts, including a violation of Sections 701(1) and 703 of the Michigan Liquor Control Code. Section 701(1) prohibits the sale or furnishing of alcohol to a minor and Section 703 prohibits a minor from consuming, purchasing, or consuming alcohol, or attempting to do the same, and from having any bodily alcohol content. However, a minor who is adjudicated in juvenile court is determined to be "found responsible" for the violation rather than being found guilty and would "admit responsibility" rather than plead guilty to a charge.

Recent changes to the MIP law have made a first offense a civil infraction; a subsequent offense would be a misdemeanor. Unless an abstract of the juvenile adjudication is sent to SOS, the department would have no way to determine when a person has committed a second violation and thus would not know when to impose appropriate sanctions.

THE CONTENT OF THE BILL:

House Bill 4756 would amend the Michigan Vehicle Code to require an abstract to also be forwarded to the SOS for a finding or admission of responsibility for a violation of Sections 701(1) and 703 of the liquor code. Thus, the SOS would receive an abstract for a violation of those provisions by a minor who had been adjudicated in juvenile court.

The bill would also make changes of a technical nature, such as deleting references to statutory provisions that have since been repealed.

The bill would take effect January 1, 2018.

MCL 257.732

ARGUMENTS:

For:

The bill is needed in order to properly track how many violations under the MIP laws a person has accrued. There currently is no way civil infractions can be tracked unless they all occur in the same court jurisdiction. Since the penalty increases for subsequent offenses, it is necessary to amend the law so that courts have the authority—and the requirement—to send an abstract of a juvenile adjudication to the SOS for a violation of the minor in possession law in the same manner as for minors 18 and older. The bill would not make any substantive changes to the MIP law.

POSITIONS:

The State Court Administrative Office (SCAO) indicated support for the bill. (9-26-17)

The Michigan District Judges Association indicated support for the bill. (10-3-17)

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