

Legislative Analysis



MINOR IN POSSESSION REVISIONS: AMEND EFFECTIVE DATE

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House Bill 4939 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Law and Justice
Complete to 9-16-17

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

SUMMARY:

As understood, the bill would change the effective date of certain revisions to the minor in possession (MIP) law from October 10, 2017 to January 1, 2018.

Public Act 357 of 2016 (enrolled Senate Bill 332), among other things, amended the MIP statute within the Michigan Liquor Control Code to do all of the following:

- Change the penalty for a first offense of possessing, consuming, or having any bodily alcohol content from a misdemeanor to a state civil infraction.
- Eliminate a provision subjecting a minor to a state civil infraction for refusing to submit to a preliminary breath analysis (PBT) and instead allow a peace officer having reasonable cause to believe a minor has consumer alcohol or has any bodily alcohol content to request the minor to submit to a PBT.
- Allow the peace officer to administer the PBT with or without a court order.
- Eliminate a provision allowing a peace officer to arrest a minor in whole or in part on the results of the PBT.

The changes made by PA 357 were scheduled to take effect January 1, 2018.

However, Public Act 89 (enrolled House Bill 4213), amended the same section of law to specify that if a minor does not consent to a PBT, the test may not be administered without a court order. PA 89 will take effect October 10, 2017, thus also enacting on that date the changes made by PA 357 rather than the intended date of January 1, 2018.

House Bill 4939 would amend the MIP statute (Section 703 of the Michigan Liquor Control Code, MCL 436.1703) to, in effect, reset the effective date of the changes made by both PA 357 of 2016 and PA 89 of 2017 to January 1, 2018.

FISCAL IMPACT:

HB 4939 would have no additional fiscal impact on the state or on local units of government.

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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.