



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

BILL



ANALYSIS

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

House Bill 4213 (as passed by the House)
Sponsor: Representative Peter J. Lucido
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 4-27-17

CONTENT

The bill would amend the Michigan Liquor Control Code to prohibit the administration of a preliminary chemical breath analysis if a minor did not consent to it, and allow a peace officer to seek a court order for such a test.

Generally, a peace officer who has reasonable cause to believe that a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. The results of the analysis or other acceptable blood alcohol test are admissible in a State civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

Under the bill, if a minor did not consent to preliminary chemical breath analysis, the analysis could not be administered without a court order, but a peace officer could seek to obtain a court order.

The bill would take effect 90 days after its enactment.

MCL 436.1703

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.