

SUBSTITUTE FOR
HOUSE BILL NO. 5372

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 625b (MCL 257.625b), as amended by 2008 PA 462.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 625b. (1) A person arrested for a misdemeanor violation
2 of section 625(1), (3), (6), (7), or (8) or section 625m or a local
3 ordinance substantially corresponding to section 625(1), (3), (6),
4 or (8) or section 625m ~~shall~~**MUST** be arraigned on the citation,
5 complaint, or warrant not more than 14 days after the arrest for
6 the violation or, if an arrest warrant is issued or reissued, not
7 more than 14 days after the issued or reissued arrest warrant is
8 served, whichever is later. The court shall not dismiss a case or
9 impose any other sanction for a failure to comply with this time
10 limit. The time limit does not apply to a violation of section

1 625(1), (3), (7), or (8) or section 625m punishable as a felony or
2 a violation of section 625(1), (3), (6), (7), or (8) or section
3 625m joined with a felony charge.

4 (2) The court shall schedule a pretrial conference between the
5 prosecuting attorney, the defendant, and the defendant's attorney
6 in each case in which the defendant is charged with a misdemeanor
7 violation of section 625(1), (3), (6), (7), or (8) or section 625m
8 or a local ordinance substantially corresponding to section 625(1),
9 (3), (6), or (8) or section 625m. The pretrial conference ~~shall~~
10 **MUST** be held not more than 35 days after the person's arrest for
11 the violation or, if an arrest warrant is issued or reissued, not
12 more than 35 days after the issued or reissued arrest warrant is
13 served, whichever is later. If the court has only 1 judge who sits
14 in more than 1 location in that district, the pretrial conference
15 ~~shall~~**MUST** be held not more than 42 days after the person's arrest
16 for the violation or, if an arrest warrant is issued or reissued,
17 not more than 42 days after the date the issued or reissued arrest
18 warrant is served, whichever is later. The court shall not dismiss
19 a case or impose any other sanction for a failure to comply with
20 the applicable time limit. The 35- and 42-day time limits do not
21 apply to a violation of section 625(1), (3), (7), or (8) or section
22 625m punishable as a felony or a violation of section 625(1), (3),
23 (6), (7), or (8) or section 625m joined with a felony charge. The
24 court shall order the defendant to attend the pretrial conference
25 and may accept a plea by the defendant at the conclusion of the
26 pretrial conference. The court may adjourn the pretrial conference
27 upon the motion of a party for good cause shown. Not more than 1

1 adjournment shall be granted to a party, and the length of an
2 adjournment ~~shall~~ **MUST** not exceed 14 days.

3 (3) Except for delay attributable to the unavailability of the
4 defendant, a witness, or material evidence or due to an
5 interlocutory appeal or exceptional circumstances, but not a delay
6 caused by docket congestion, the court shall finally adjudicate, by
7 a plea of guilty or nolo contendere, entry of a verdict, or other
8 final disposition, a case in which the defendant is charged with a
9 misdemeanor violation of section 625(1), (3), (6), (7), or (8) or
10 section 625m or a local ordinance substantially corresponding to
11 section 625(1), (3), (6), or (8) or section 625m, within 77 days
12 after the person is arrested for the violation or, if an arrest
13 warrant is issued or reissued, not more than 77 days after the date
14 the issued or reissued arrest warrant is served, whichever is
15 later. The court shall not dismiss a case or impose any other
16 sanction for a failure to comply with this time limit. The 77-day
17 time limit does not apply to a violation of section 625(1), (3),
18 (7), or (8) or section 625m punishable as a felony or a violation
19 of section 625(1), (3), (6), (7), or (8) or section 625m joined
20 with a felony charge.

21 (4) Before accepting a plea of guilty or nolo contendere under
22 section 625 or a local ordinance substantially corresponding to
23 section 625(1), (2), (3), (6), or (8), the court shall advise the
24 accused of the maximum possible term of imprisonment and the
25 maximum possible fine that may be imposed for the violation and
26 shall advise the defendant that the maximum possible license
27 sanctions that may be imposed will be based upon the master driving

1 record maintained by the secretary of state under section 204a.

2 (5) Before imposing sentence for a violation of section
3 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance
4 substantially corresponding to section 625(1), (3), (6), or (8),
5 the court shall order the person to undergo screening and
6 assessment by a person or agency designated by the office of
7 substance abuse services to determine whether the person is likely
8 to benefit from rehabilitative services, including alcohol or drug
9 education and alcohol or drug treatment programs. Except as
10 otherwise provided in this subsection, the court may order the
11 person to participate in and successfully complete 1 or more
12 appropriate rehabilitative programs as part of the sentence. If the
13 person was convicted under section 625(1)(c) or has 1 or more prior
14 convictions, the court shall order the person to participate in and
15 successfully complete 1 or more appropriate rehabilitative programs
16 as part of the sentence, including, but not limited to, an alcohol
17 treatment program or a self-help program for a period of not less
18 than 1 year. The treatment plan shall ~~shall~~**MUST** be devised from an
19 assessment performed by an appropriately licensed alcohol assessor
20 and approved by the court. ~~The~~**IF THE PERSON HAS 2 OR MORE PRIOR**
21 **CONVICTIONS, THE COURT SHALL ORDER THE PERSON TO UNDERGO AN**
22 **ASSESSMENT THAT USES A STANDARDIZED EVIDENCE-BASED INSTRUMENT**
23 **PERFORMED BY A PROVIDER OR OTHER LICENSED OR CERTIFIED SUBSTANCE**
24 **USE DISORDER PROFESSIONAL TO DETERMINE WHETHER HE OR SHE HAS A**
25 **DIAGNOSIS FOR ALCOHOL DEPENDENCE AND WOULD LIKELY BENEFIT FROM A**
26 **UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED MEDICATION-**
27 **ASSISTED TREATMENT THAT IS INDICATED FOR THE TREATMENT OF ALCOHOL**

1 DEPENDENCE, AS SPECIFIED IN THE MOST RECENT DIAGNOSTIC AND
2 STATISTICAL MANUAL OF MENTAL DISORDERS PUBLISHED BY THE AMERICAN
3 PSYCHIATRIC ASSOCIATION. A PERSON MAY REQUEST AN INDEPENDENT
4 ASSESSMENT THAT USES A STANDARDIZED EVIDENCE-BASED INSTRUMENT AND
5 THAT IS PERFORMED BY A PROVIDER OR OTHER LICENSED OR CERTIFIED
6 SUBSTANCE USE DISORDER PROFESSIONAL TO DETERMINE WHETHER HE OR SHE
7 HAS A DIAGNOSIS FOR ALCOHOL DEPENDENCE AND WOULD LIKELY BENEFIT
8 FROM A UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED
9 MEDICATION-ASSISTED TREATMENT THAT IS INDICATED FOR THE TREATMENT
10 OF ALCOHOL DEPENDENCE, AS SPECIFIED IN THE MOST RECENT DIAGNOSTIC
11 AND STATISTICAL MANUAL OF MENTAL DISORDERS PUBLISHED BY THE
12 AMERICAN PSYCHIATRIC ASSOCIATION. A COURT SHALL GRANT A REQUEST FOR
13 AN INDEPENDENT ASSESSMENT AND SHALL CONSIDER THE RESULTS OF THE
14 INDEPENDENT ASSESSMENT ALONG WITH THE ASSESSMENT REQUIRED UNDER
15 THIS SUBSECTION WHEN DETERMINING IF THE COURT WILL REFER THE PERSON
16 TO A REHABILITATIVE PROGRAM THAT OFFERS 1 OR MORE FORMS OF UNITED
17 STATES FOOD AND DRUG ADMINISTRATION-APPROVED MEDICATIONS FOR THE
18 TREATMENT OF ALCOHOL DEPENDENCE. ONLY A PROVIDER MAY RECOMMEND THAT
19 A PERSON TAKE MEDICATION-ASSISTED TREATMENT. A PERSON ALWAYS
20 MAINTAINS THE RIGHT TO REFUSE INGESTION OR INJECTION OF MEDICATION.
21 ONLY A PROVIDER MAY DETERMINE THE TYPE, DOSAGE, AND DURATION OF THE
22 MEDICATION-ASSISTED TREATMENT. IF THE PERSON REFUSES TO TAKE THE
23 MEDICATION-ASSISTED TREATMENT, THE COURT SHALL NOT HOLD THAT PERSON
24 IN CONTEMPT. AS USED IN THIS SUBSECTION, "PROVIDER" MEANS AN
25 INDIVIDUAL WITH PRESCRIBING AUTHORITY UNDER THE PUBLIC HEALTH CODE,
26 1978 PA 368, MCL 333.1101 TO 333.25211, WHO REGULARLY COMMUNICATES
27 WITH THE TREATMENT TEAM DURING THE DEFENDANT'S RECOVERY AND WHO HAS

1 TRAINING OR EXPERIENCE THAT DEMONSTRATES THE PROVIDER'S ABILITY TO
2 TREAT AND MANAGE PATIENTS WITH ALCOHOL DEPENDENCY. IF NO OTHER
3 IDENTIFIED FUNDING SOURCE IS AVAILABLE, THE person shall pay for
4 the costs of the screening, assessment, OR ASSESSMENTS, AS
5 APPLICABLE, and rehabilitative services ORDERED UNDER THIS
6 SUBSECTION. This subsection does not require the person to
7 successfully complete an ordered rehabilitative program before
8 driving a vehicle with an ignition interlock device on a restricted
9 license. AS USED IN THIS SUBSECTION, "OTHER LICENSED OR CERTIFIED
10 SUBSTANCE USE DISORDER PROFESSIONAL" MEANS AN INDIVIDUAL OR
11 ORGANIZATION LICENSED OR CREDENTIALLED IN THIS STATE TO TREAT
12 SUBSTANCE USE DISORDERS, INCLUDING INDIVIDUALS CERTIFIED BY THE
13 MICHIGAN CERTIFICATION BOARD FOR ADDICTION PROFESSIONALS AND
14 INDIVIDUALS WHO HAVE TRAINING IN PROVIDING ASSESSMENTS FOR ALCOHOL
15 DEPENDENCY.

16 (6) If the judgment and sentence are appealed to circuit
17 court, the court may ex parte order the secretary of state to stay
18 the suspension, revocation, or restricted license issued by the
19 secretary of state pending the outcome of the appeal.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.