

HOUSE BILL No. 5372

December 13, 2017, Introduced by Reps. Bellino, Marino, Kesto, Sheppard and Vaupel and referred to the Committee on Judiciary.

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

1 impose any other sanction for a failure to comply with this time
2 limit. The time limit does not apply to a violation of section
3 625(1), (3), (7), or (8) or section 625m punishable as a felony or
4 a violation of section 625(1), (3), (6), (7), or (8) or section
5 625m joined with a felony charge.

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

1 pretrial conference. The court may adjourn the pretrial conference
2 upon the motion of a party for good cause shown. Not more than 1
3 adjournment shall be granted to a party, and the length of an
4 adjournment ~~shall~~ **MUST** not exceed 14 days.

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

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

1 shall advise the defendant that the maximum possible license
2 sanctions that may be imposed will be based upon the master driving
3 record maintained by the secretary of state under section 204a.

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

1 STATES FOOD AND DRUG ADMINISTRATION APPROVED MEDICATION-ASSISTED
2 TREATMENT FOR ALCOHOL DEPENDENCE PROGRAM, THE COURT MAY ORDER THE
3 PERSON TO PARTICIPATE IN AND SUCCESSFULLY COMPLETE 1 OR MORE
4 APPROPRIATE UNITED STATES FOOD AND DRUG ADMINISTRATION APPROVED
5 REHABILITATIVE PROGRAMS THAT OFFER MEDICATION-ASSISTED TREATMENT
6 FOR ALCOHOL DEPENDENCE AS PART OF THE SENTENCE. A PHYSICIAN MAY
7 DETERMINE THE TYPE, DOSAGE, AND DURATION OF THE MEDICATION-ASSISTED
8 TREATMENT. The person shall pay for the costs of the screening,
9 assessment, and rehabilitative services **ORDERED UNDER THIS**
10 **SUBSECTION.** This subsection does not require the person to
11 successfully complete an ordered rehabilitative program before
12 driving a vehicle with an ignition interlock device on a restricted
13 license.

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

18 (7) **AS USED IN THIS SECTION, "PHYSICIAN" MEANS THAT TERM AS**
19 **DEFINED IN SECTION 17001 OR 17501 OF THE PUBLIC HEALTH CODE, 1978**
20 **PA 368, MCL 333.17001 AND 333.17501.**

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