

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 88 (Substitute S-1 as reported)  
Sponsor: Senator William Sederburg  
Committee: Judiciary

Date Completed: 5-3-89

**RATIONALE**

Despite the implementation of "get tough" measures over the last several years, drunk driving continues to be the primary cause of traffic fatalities in Michigan. Reportedly, there were over 750 alcohol-related deaths and over 26,000 alcohol-related injuries on Michigan roads in 1988, and, according to the Department of State, approximately 50% of traffic fatalities can be linked to alcohol misuse. In order to try to reduce the continued destructiveness of drunk driving, some people feel that there should be mandatory minimum sentences for second and subsequent convictions.

**CONTENT**

The bill would amend the Michigan Vehicle Code to impose a mandatory sentence for second and third violations of the Code's prohibition against operating a vehicle under the influence of liquor, a controlled substance, or a combination of the two, or with a blood alcohol content of .10% or more. The bill would take effect on October 1, 1989.

Under the bill, a person who committed a second violation within seven years of a prior conviction would have to be sentenced to imprisonment for 48 consecutive hours to one year, and could be fined up to \$1,000. A person who committed a third violation within 10 years of two or more prior convictions would have to be sentenced to imprisonment for 48 consecutive hours to five years, and could be

fined between \$500 and \$5,000. In lieu of incarceration for either the second or third violation, however, a court could order the person to perform 10 to 22 days' community service, for which he or she could not receive compensation. Neither the term of imprisonment nor the community service could be suspended. (Currently, the Code allows, but does not mandate, a sentence of imprisonment for up to one year, a maximum fine of \$1,000, or both, for a second violation; and, for a third violation, provides only that the offender is guilty of a felony and that the court must order his or her driver's license revoked.)

MCL 257.625

**FISCAL IMPACT**

The bill would have an indeterminate impact on State and local units of government. Costs of imprisonment and prosecution would depend on the following unknown factors:

1. The number of individuals convicted under this bill.
2. The sentence imposed by the judge.

Currently, the average cost of imprisonment per diem is \$35 per person.

**ARGUMENTS****Supporting Argument**

The bill would send a strong message to those who would drink and drive that they definitely

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would be punished. A mandatory minimum sentence for multiple offenses could make some stop and reconsider before getting behind the wheel of a car after having had too much to drink. The certainty of punishment is as important as its severity in deterring future offenses.

#### **Supporting Argument**

The bill could result in the State's receiving greater revenue. Requiring at least 48 consecutive hours of jail time for multiple offenders reportedly would meet one of the eligibility guidelines for increased Federal highway funds.

#### **Opposing Argument**

While requiring mandatory sentences for second and subsequent drunk driving offenses is admirable, the bill does not go far enough to serve as an adequate deterrent. The minimum mandatory sentence should be greater than 48 hours and performance of community service should not be an alternative to incarceration.

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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.