

MIP REVISIONS

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House Bill 4876

Sponsor: Rep. Mark Meadows

Committee: Judiciary

Complete to 10-13-09

A SUMMARY OF HOUSE BILL 4876 AS INTRODUCED 5-5-09

The bill would exempt a minor from the criminal sanctions for underage drinking under certain conditions.

Currently, it is illegal for a person less than 21 years of age to consume, purchase, or possess alcohol (or attempt to do the same) or to have any bodily alcohol content. The penalties range from a fine with possible community service and/or substance abuse screening and treatment services for a first offense to possible jail time for a third or subsequent offense.

House Bill 4876 would amend the Michigan Liquor Control Code to exempt certain minors meeting specified criteria from sanctions under the minor in possession (MIP) law. Specifically, the following minors would not be in violation of the MIP law:

- A minor who had consumed alcohol and who presents himself or herself to a health facility or agency for treatment or for observation. "Health facility or agency" would mean that term as defined in the Public Health Code.
- A minor who accompanied the person described above.
- A minor who contacts a peace officer or emergency medical services personnel. "Emergency medical services personnel" would mean that term as defined by the Public Health Code.

The Public Health Code defines "health facility or agency" to mean, among other things, an ambulance operation, medical first response service, hospital, an HMO, and a county medical care facility.

"Emergency medical services personnel" means a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator.

MCL 436.1703

FISCAL IMPACT:

House Bill 4876 would likely have a positive, but indeterminate, fiscal impact on the judiciary. By exempting certain minors from prosecution for underage drinking, the bill would reduce court costs and administrative costs associated with processing the violation. However, public libraries and county law libraries would see a reduction, albeit small, in fine revenue due to the exemption of certain minors from prosecution under MCL 436.1703. The reduction would be related to the number of minors exempted from prosecution.

To the extent that the bill barred misdemeanor prosecutions that otherwise would have gone forward, local units of government could avoid the costs of misdemeanor sanctions, which could include misdemeanor probation supervision and jail.

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