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BILL ANALYSIS



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Senate Bill 794 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 795 (Substitute S-1 as reported)
Sponsor: Senator Alan L. Cropsey (S.B. 794)
Senator Patricia L. Birkholz (S.B. 795)
Committee: Judiciary

CONTENT

Senate Bill 794 (S-1) would amend the Revised Judicature Act to create a three-year DWI/sobriety court interlock pilot project beginning on January 1, 2011, for individuals convicted of two or more violations of operating a vehicle while intoxicated or while impaired. The bill also would do all of the following:

- Require a participating DWI/sobriety court judge to certify to the Secretary of State that a person seeking a restricted license had been admitted to a DWI/sobriety court and that an interlock device had been placed on each vehicle owned or operated by that person.
- Require a DWI/sobriety court judge to inform the Secretary of State if a program participant were terminated or committed certain violations; and require notification to result in the summary suspension or revocation of the person's restricted license.
- Require DWI/sobriety courts participating in the pilot project to report annually to the Legislature, the Secretary of State, and the Supreme Court.

Senate Bill 795 (S-1) would amend the Michigan Vehicle Code to require the Secretary of State to issue a restricted license to a person whose license was suspended, restricted, revoked, or denied based on two or more convictions of driving while intoxicated or while impaired, if the person's license were suspended or revoked for 45 days, he or she were admitted into a DWI/sobriety court, and an ignition interlock device had been installed on each motor vehicle he or she owned or operated. The bill also would do all of the following:

- Prohibit the issuance of a restricted license if the person were otherwise ineligible for a driver license, unless the ineligibility were based on certain violations.
- Allow a person with a restricted license issued under the bill to operate only a vehicle equipped with an ignition interlock device, to take any required driving skills test, and to drive to and from any combination of the person's residence, workplace, or school and a court-ordered alcohol or drug education or treatment program.
- Specify that a restricted license issued under the bill would be effective until a hearing officer ordered an unrestricted license.
- Prohibit a person issued a restricted license under the bill from being considered for an unrestricted license until the court notified the Secretary of State that the person had successfully completed the DWI/sobriety court program or the minimum period of license sanction otherwise required had been completed, whichever was later.
- Require the Secretary of State to summarily impose license sanctions, if he or she received notification from the DWI/sobriety court that a program participant was terminated from the program or had committed certain violations.

- After a person completed a DWI/sobriety court interlock pilot project program, require a restricted license issued under the bill to be suspended, revoked, or denied for certain violations.
- Require that all driver responsibility fees required to be assessed by the Secretary of State for the conviction or convictions that led to a restricted license under the bill be held in abeyance during the time the person had a restricted license and was participating in the DWI/sobriety court interlock pilot project.
- Exempt a program participant's vehicle from immobilization or forfeiture requirements if he or she remained in good standing with the DWI/sobriety court pilot project program, successfully completed the program, and did not subsequently violate a Michigan law for which vehicle immobilization or forfeiture was a sanction.

The bills are tie-barred, and Senate Bill 795 (S-1) would take effect on January 1, 2011.

Proposed MCL 600.1084 (S.B. 794)
MCL 257.219 et al. (S.B. 795)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 794 (S-1). There are currently 87 Drug Treatment Courts in Michigan, 23 of which are DWI/Sobriety Courts. The Michigan Drug Court program is administered by the State Court Administrative Office (SCAO) and provides funding to 18 of the 23 DWI Courts. A total of \$474,900 was awarded to DWI Courts in FY 2009-10. In addition, \$490,000 was awarded to 10 DWI Courts through the Office of Highway Safety Planning Grant Program, also administered by the SCAO.

The State Court Administrative Office states that it would incur programming costs of approximately \$10,000.

Senate Bill 795 (S-1). The Department of State has indicated there would be some costs associated with programming, manual tracking of people in the proposed pilot project, and review of compliance with the requirements associated with interlock devices. The amount of these costs is indeterminate and would depend on the number of participants who enrolled in the pilot project. In addition, the Department does not track the number of multiple-time offenders; thus, it is unknown how much of the driver responsibility fees would be held in abeyance as prescribed by the bill.

Date Completed: 2-4-10

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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.