

SENATE BILL NO. 811

March 03, 2020, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1941 PA 188, entitled

"An act to create the Michigan state safety commission for the promotion of greater safety on the public highways and other places within the state of Michigan; to study traffic conditions; to investigate and eliminate menaces to public safety; to form the Michigan safety council and appropriate moneys therefor,"

(MCL 256.561 to 256.563) by amending the title and by adding section 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to create the Michigan state safety commission for the

1 promotion of greater safety on the public highways and other places
2 within the state of Michigan; to study traffic conditions; to
3 investigate and eliminate menaces to public safety; **to establish**
4 **certain programs;** to form the Michigan safety council; and to
5 appropriate ~~moneys therefor~~.**money.**

6 **Sec. 4. (1) Beginning on the effective date of the amendatory**
7 **act that added this subsection, the commission in collaboration**
8 **with the Michigan state police, the Michigan office of highway**
9 **safety planning, the department of transportation, and the drug**
10 **evaluation and classification program coordinator, shall offer the**
11 **drug recognition expert program to an individual who is not a law**
12 **enforcement officer.**

13 **(2) The program offered under subsection (1) must include, but**
14 **is not limited to, all of the following:**

15 **(a) The prerequisite training or preenrollment requirement for**
16 **qualification into the program. The prerequisite training or**
17 **preenrollment requirement under this subdivision does not include**
18 **the preenrollment requirements, courses of study, attendance**
19 **requirements, and instructional hours required for the training and**
20 **licensing of a law enforcement officer.**

21 **(b) Educational materials and programming required for a**
22 **successful completion of the program.**

23 **(c) Relevant classroom lectures and hands-on instruction.**

24 **(d) Field training.**

25 **(3) An individual who successfully completes the program and**
26 **satisfies the certification requirement shall be certified as a**
27 **drug recognition expert.**

28 **(4) An individual who enrolls in the program shall bear the**
29 **costs of attending the program and receiving certification as a**

1 drug recognition expert.

2 (5) An individual who is certified as a drug recognition
3 expert under this section shall perform the same duties and
4 functions of a law enforcement officer who is certified as a drug
5 recognition expert. However, the duties and functions do not
6 include any of the following:

7 (a) The stop, search, or arrest of a driver of a motor vehicle
8 suspected of operating the motor vehicle while under the influence
9 of a controlled substance.

10 (b) The impound of the motor vehicle of a driver who violates
11 a provision of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
12 257.923, with regard to operating a motor vehicle while under the
13 influence of a controlled substance.

14 (c) Obtaining a search warrant, an arrest warrant, or any
15 other criminal process that is necessary to institute a criminal
16 proceeding in relation to the case.

17 (d) The powers of a conservator of peace as provided under
18 section 6 of 1935 PA 59, MCL 28.6.

19 (6) As used in this section:

20 (a) "Certified drug recognition expert" means an individual
21 who is trained to recognize impairment in a driver under the
22 influence of a controlled substance rather than, or in addition to,
23 alcohol.

24 (b) "Controlled substance" means that term as defined in
25 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

26 (c) "Law enforcement officer" means that term as defined in
27 section 2 of the Michigan commission on law enforcement standards
28 act, 1965 PA 203, MCL 28.602.

29 (d) "Program" means the drug recognition expert program

1 offered under subsection (1).