

APPEARANCE TICKETS FOR OWI OFFENSES

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House Bill 4627 as introduced
Sponsor: Rep. Julie Brixie
Committee: Judiciary
Revised 4-23-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4627 would amend the Code of Criminal Procedure to exempt operating while intoxicated (OWI) offenses from the requirement to issue an appearance ticket for certain misdemeanor offenses.

Currently, a police officer is required to issue to and serve upon a person an appearance ticket and release him or her from custody if he or she is arrested without a warrant for a misdemeanor or ordinance violation that has a maximum penalty of one year in jail or a criminal fine, or both, and that is not a serious misdemeanor, assaultive crime, or domestic violence violation involving assault and battery (sections 81 and 81a of the Michigan Penal Code).

The bill would add an *operating while intoxicated offense* to this list of exceptions for which an appearance ticket is not mandatory.

Operating while intoxicated offense would mean a violation of either of the following:

- Section 625 or 625m of the Michigan Vehicle Code.
- Any of the following substantially corresponding to a violation listed in section 625 or 625m of the Michigan Vehicle Code:
 - A local ordinance.
 - A law of an Indian tribe.
 - A law of another state.
 - A law of the United States.

Section 625 of the Michigan Vehicle Code prohibits operating a motor vehicle while under the influence of alcohol, a controlled substance, other intoxicating substance, or a combination of any of those substances; establishes criteria for offenses such as “operating a vehicle while intoxicated” and “visibly impaired”; prohibits operation of a motor vehicle by a person under 21 years of age with any bodily alcohol content; prohibits knowingly allowing another person who is under the influence of alcohol and/or drugs to operate his or her vehicle; and prohibits operating a vehicle while under the influence of alcohol and/or drugs while a person under 16 years of age is present in the vehicle.

Section 625m of the Michigan Vehicle Code prohibits operation of a commercial motor vehicle by a person who has an alcohol content of 0.04 grams or more but less than 0.08 grams per milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. Beginning October 1, 2021, that will rise to 0.04 grams or more but less than 0.10 grams.

The bill would take effect April 1, 2021.

MCL 764.9c

FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.