

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 870 (Substitute S-1 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- Require the entry of six points for operating a vehicle while under the influence (OUIL), OUIL or operating while impaired (OWI) and causing death or a serious impairment of body function, or OUIL or OWI with a child under 16 in the vehicle.
- Require a court to order restricted registration plates or vehicle immobilization for OUIL or OWI and causing a death or serious impairment within seven years of a prior conviction, and to order vehicle forfeiture if the violation occurred within 10 years of two or more prior convictions; and permit the court to order a person to pay child support to the parent or guardian of the minor child of any person who died as a result of the violation.
- Establish misdemeanor penalties for committing an OUIL or OWI offense while a person under 16 was in the vehicle (child endangerment); and require restricted plates, immobilization, or forfeiture if there were prior convictions.
- Define "prior conviction" as OUIL, OWI, OUIL or OWI and causing death or a serious impairment of body function, child endangerment, commercial vehicle drunk driving, negligent homicide, manslaughter, or murder resulting from the operation of a vehicle, or an attempt to commit one of those violations, or operation of a vehicle by a minor with any body alcohol content (for purposes a suspension based on that violation).
- Increase the criminal penalty for OWI within 10 years of two or more prior convictions.
- Include imprisonment for up to 93 days in the penalties that may be imposed on a person under 21 who drives with any body alcohol content.
- Extend the Code's implied consent provisions to child endangerment.

The bill would take effect May 1, 1998, and is tie-barred to Senate Bills 268, 269, 271, 625, 626, 627, 953, 989, 990, and 991.

MCL 257.310d et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bill 870 (S-1) would have an indeterminate fiscal impact on State and local government. There are no data currently available that would indicate how many people might be convicted of the crimes created in this bill. However, State and local government could incur costs for incarceration and/or receive additional fee revenue based on the penalties prescribed in the proposed legislation.

There would be minimal administrative costs imposed on the Secretary of State with its additional record-keeping requirements. Since, however, there are no data currently available that would indicate how many people might be convicted of the proposed child endangerment misdemeanor, the fiscal impact is indeterminate.

Date Completed: 3-9-98

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Analysis available @ <http://www.michiganlegislature.org>

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.