

# SENATE BILL No. 1340

May 27, 2008, Introduced by Senators SCHAUER, THOMAS, HUNTER, WHITMER, CLARKE, SCOTT, BRATER, PRUSI and BARCIA and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding section 624c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 624C. (1) A PERSON WHO OPERATES A MOTOR VEHICLE IN  
2        VIOLATION OF SECTION 624A WITH ANY BODILY ALCOHOL CONTENT IS GUILTY  
3        OF A FELONY PUNISHABLE AS FOLLOWS:

4        (A) IF THE PERSON CAUSES BODILY INJURY TO ANOTHER PERSON, BY  
5        IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT LESS THAN  
6        \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

7        (B) IF THE PERSON CAUSES THE DEATH OF ANOTHER PERSON, BY  
8        IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN  
9        \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH.

10       (2) AS USED IN THIS SECTION, "ANY BODILY ALCOHOL CONTENT"

1 MEANS EITHER OF THE FOLLOWING:

2 (A) AN ALCOHOL CONTENT OF 0.02 GRAMS OR MORE BUT LESS THAN  
3 0.08 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH,  
4 OR PER 67 MILLILITERS OF URINE, OR, BEGINNING OCTOBER 1, 2013, THE  
5 PERSON HAS AN ALCOHOL CONTENT OF 0.02 GRAMS OR MORE BUT LESS THAN  
6 0.10 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH,  
7 OR PER 67 MILLILITERS OF URINE.

8 (B) ANY PRESENCE OF ALCOHOL WITHIN A PERSON'S BODY RESULTING  
9 FROM THE CONSUMPTION OF ALCOHOLIC LIQUOR, OTHER THAN CONSUMPTION OF  
10 ALCOHOLIC LIQUOR AS A PART OF A GENERALLY RECOGNIZED RELIGIOUS  
11 SERVICE OR CEREMONY.

12 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED  
13 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW  
14 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS  
15 SECTION.