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BILL ANALYSIS



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Senate Bill 258 (as introduced 3-10-11)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 5-16-11

CONTENT

The bill would amend the Michigan Liquor Control Code to exempt a minor from some alcohol-related violations under certain circumstances. (Under the Code, "minor" means a person under 21 years of age.)

The Code prohibits a minor from purchasing, consuming, or possessing, or attempting to purchase, consume, or possess, alcoholic liquor and from having any bodily alcohol content, except as otherwise provided. Under the bill, none of the following would be considered in violation of those prohibitions:

- A minor who had consumed alcohol and voluntarily presented himself or herself to a health facility or agency for treatment or for observation.
- Any minor who accompanied a minor who had consumed alcohol and voluntarily presented himself or herself to a health facility or agency for treatment or for observation.
- Any minor who initiated contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance.

Under the bill, "emergency medical services personnel" and "health facility or agency" would mean those terms as defined in the Public Health Code.

(The Liquor Control Code defines "any bodily alcohol content" as either of the following:

- An alcohol content of 0.02 gram or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- Any presence of alcohol within a person's body resulting from the consumption of alcohol, other than as part of a generally recognized religious service or ceremony.)

A violation of the prohibitions is a misdemeanor punishable by a maximum fine of \$100 for a first offense, \$200 for a second offense, or \$500 for a third or subsequent offense, and the offender may be ordered to participate in substance abuse prevention services or treatment, perform community service, and undergo substance abuse screening and assessment. If a repeat offender has violated an order of probation, failed to complete any treatment, screening, or community service ordered by the court, or failed to pay a fine for a prior violation, the sentence may include incarceration for up to 30 days for a second offense or 60 days for a third or subsequent offense.

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the new language reduced the number of misdemeanor convictions in local jurisdictions, local units of government could potentially experience a reduction in incarceration and supervision expenses. Any reduction in convictions would also lead to a corresponding decrease in penal fine revenue.

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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.