

# HOUSE BILL No. 5123

October 26, 2011, Introduced by Reps. Cotter, Heise and Somerville and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 323d and 625h (MCL 257.323d and 257.625h),  
section 323d as added by 1993 PA 359 and section 625h as amended by  
1999 PA 73.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 323d. (1) The drug case information management fund is  
2       created as a separate fund in the state treasury. The purpose of  
3       the fund is to help defray the costs of complying with requirements  
4       for the timely management and reporting to the secretary of state  
5       of information concerning cases involving an attempt to violate, a  
6       conspiracy to violate, or a violation of part 74 ~~or section 17766a~~  
7       of the public health code, ~~Act No. 368 of the Public Acts of 1978,~~  
8       ~~being sections 333.7401 to 333.7461 and 333.17766a of the Michigan~~  
9       ~~Compiled Laws, 1978 PA 368, MCL 333.7401 TO 333.7461,~~ or of a local

1 ordinance that prohibits conduct prohibited under part 74 ~~or~~  
2 ~~section 17766a of Act No. 368 of the Public Acts of 1978.~~ **OF THE**  
3 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401 TO 333.7461.** Money in  
4 the fund shall be expended only as provided in subsection (3).

5 (2) The state treasurer shall credit the drug case information  
6 management fund with the money collected from license reinstatement  
7 fees as provided in section ~~320e(2).~~ **320E(3).** The state treasurer  
8 may invest money contained in the drug case information management  
9 fund in any manner authorized by law for the investment of state  
10 money. However, an investment shall not interfere with any  
11 apportionment, allocation, or payment of money as required by this  
12 section. The state treasurer shall credit all earnings from the  
13 fund to the fund. Money in the fund at the end of the fiscal year  
14 shall remain in the fund, ~~and~~ shall not revert to the general fund,  
15 **AND SHALL CONTINUE TO BE AVAILABLE FOR DISTRIBUTION TO ENSURE BEST**  
16 **PRACTICES ARE BEING EVALUATED, FORMULATED, AND IMPLEMENTED BY THE**  
17 **NONCOMPLYING CIRCUIT, DISTRICT, OR PROBATE COURT OR OTHER CIRCUIT,**  
18 **DISTRICT, OR PROBATE COURT.**

19 (3) The state court administrator, at the direction of the  
20 supreme court and upon confirmation of the amount by the state  
21 treasurer, shall distribute **MONEY** from the drug case information  
22 management fund ~~the total amount available in a fiscal year to each~~  
23 circuit of the circuit court, each district of the district court,  
24 and each probate court **THAT HAS FULFILLED THE REQUIREMENTS**  
25 **ESTABLISHED BY THE STATE COURT ADMINISTRATIVE OFFICE TO EVALUATE,**  
26 **FORMULATE, AND IMPLEMENT BEST PRACTICES** as provided in this  
27 subsection. The state court administrator, after reimbursement of

1 costs as provided in this subsection, shall distribute ~~the balance~~  
2 ~~of~~ **MONEY FROM** the drug case information management fund annually  
3 after costs are disbursed to each circuit of the circuit court,  
4 each district of the district court, and each probate court **THAT**  
5 **HAS FULFILLED THE REQUIREMENTS ESTABLISHED BY THE STATE COURT**  
6 **ADMINISTRATIVE OFFICE TO EVALUATE, FORMULATE, AND IMPLEMENT BEST**  
7 **PRACTICES. THE MONEY SHALL BE DISTRIBUTED** in an amount determined  
8 by multiplying the amount available for distribution by a fraction,  
9 the numerator of which is the number of cases in which the  
10 defendant was charged with an attempt to violate, a conspiracy to  
11 violate, or a violation of part 74 ~~or section 17766a of Act No. 368~~  
12 ~~of the Public Acts of 1978,~~ **OF THE PUBLIC HEALTH CODE, 1978 PA 368,**  
13 **MCL 333.7401 TO 333.7461,** or a local ordinance that prohibits  
14 conduct prohibited under part 74 ~~or section 17766a of Act No. 368~~  
15 ~~of the Public Acts of 1978,~~ **OF THE PUBLIC HEALTH CODE, 1978 PA 368,**  
16 **MCL 333.7401 TO 333.7461,** in the prior calendar year in that  
17 circuit of the circuit court, that district of the district court,  
18 or that probate court, as certified by the state court  
19 administrator, and the denominator of which is the total number of  
20 cases in all circuits of the circuit court, all districts of the  
21 district court, and all probate courts in which the defendant was  
22 charged with an attempt to violate, a conspiracy to violate, or a  
23 violation of part 74 ~~or section 17766a of Act No. 368 of the Public~~  
24 ~~Acts of 1978,~~ **OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7401**  
25 **TO 333.7461,** or a local ordinance that prohibits conduct prohibited  
26 under **THAT** part. 74 ~~or section 17766a of Act No. 368 of the Public~~  
27 ~~Acts of 1978.~~ The state court administrative office shall be

1 reimbursed annually from the drug case information management fund  
2 for all reasonable costs associated with the administration of this  
3 section, including judicial and staff training, on-site management  
4 assistance, forms development and conversion, and software  
5 development and conversion.

6 (4) AS USED IN THIS SECTION, "BEST PRACTICES" MEANS A SET OF  
7 METHODS AND PROCESSES USED BY COURTS TO IMPROVE PERFORMANCE AND  
8 EFFICIENCY, AS DETERMINED BY THE STATE COURT ADMINISTRATIVE OFFICE,  
9 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING CATEGORIES:

10 (A) CATEGORY 1, ACCOUNTABILITY AND TRANSPARENCY, REQUIRES EACH  
11 ELIGIBLE COURT TO CERTIFY THAT IT HAS PRODUCED, AND MADE READILY  
12 AVAILABLE TO THE PUBLIC OVER THE INTERNET, A PERFORMANCE DASHBOARD  
13 APPROVED BY THE STATE COURT ADMINISTRATIVE OFFICE.

14 (B) CATEGORY 2, CONSOLIDATION OF SERVICES, REQUIRES EACH  
15 ELIGIBLE COURT TO CERTIFY THAT IT HAS ENTERED INTO, AND MADE  
16 READILY AVAILABLE TO THE PUBLIC OVER THE INTERNET, A CONCURRENT  
17 JURISDICTION PLAN AND A CONSOLIDATION PLAN TO INCREASE ITS EXISTING  
18 LEVEL OF COOPERATION, COLLABORATION, AND COOPERATION WITH OTHER  
19 COURTS.

20 (C) CATEGORY 3, COURT IMPROVEMENT AND TECHNOLOGY, REQUIRES  
21 EACH ELIGIBLE COURT TO CERTIFY THAT IT HAS PRODUCED, AND MADE  
22 READILY AVAILABLE TO THE PUBLIC OVER THE INTERNET, A PLAN FOR THE  
23 EFFECTIVE USE OF TECHNOLOGY AND COURT IMPROVEMENT AS DETERMINED BY  
24 THE STATE COURT ADMINISTRATIVE OFFICE THAT INCLUDES, BUT IS NOT  
25 LIMITED TO, PERFORMANCE MEASURES.

26 Sec. 625h. (1) The drunk driving prevention equipment and  
27 training fund is created as a separate fund in the state treasury.

1 Money in the fund shall be expended only as provided in subsection  
2 (2). The state treasurer shall credit to the fund all money  
3 received for that purpose under section 320e ~~—~~and as otherwise  
4 provided by law. The state treasurer shall invest money in the fund  
5 in the same manner as surplus funds are invested under section ~~143~~  
6 3 of 1855 PA 105, MCL 21.143. Earnings from the fund shall be  
7 credited to the fund. Money in the fund at the end of the fiscal  
8 year shall remain in the fund ~~—~~and shall not revert to the general  
9 fund.

10 (2) The department of state police shall administer the fund.  
11 Money in the fund shall be used only to administer the fund, to  
12 purchase and maintain breath alcohol testing equipment, and to  
13 provide training to law enforcement personnel of this state in the  
14 use of that breath alcohol testing equipment.

15 (3) The department of treasury shall, before November 1 of  
16 each year, notify the department of state police of the balance in  
17 the fund at the close of the preceding fiscal year.

18 (4) The department of state police shall promulgate rules to  
19 implement subsection (2).

20 (5) The drunk driving caseflow assistance fund is created as a  
21 separate fund in the state treasury. The purpose of the fund is to  
22 promote the timely disposition of cases in which the defendant is  
23 charged with a violation of any of the following or a local  
24 ordinance substantially corresponding to any of the following:

25 (a) Section 625 or 625m.

26 (b) Section 80176, 81134, 81135, or 82127 of the natural  
27 resources and environmental protection act, 1994 PA 451, MCL

1 324.80176, 324.81134, 324.81135, and 324.82127.

2 (6) Money in the fund shall be expended only as provided in  
3 subsection (8).

4 (7) The state treasurer shall credit the drunk driving  
5 caseflow assistance fund with deposits of proceeds from the  
6 collection of revenue from license reinstatement fees as provided  
7 for in section 320e ~~7~~—and all income from investment credited to  
8 the fund by the state treasurer. The state treasurer may invest  
9 money contained in the drunk driving caseflow assistance fund in  
10 any manner authorized by law for the investment of state money.  
11 However, an investment shall not interfere with any apportionment,  
12 allocation, or payment of money as required by this section. The  
13 state treasurer shall credit to the fund all income earned as a  
14 result of an investment. Money in the fund at the end of the fiscal  
15 year shall remain in the fund and shall not revert to the general  
16 fund, **AND SHALL CONTINUE TO BE AVAILABLE FOR DISTRIBUTION TO ENSURE**  
17 **BEST PRACTICES ARE BEING EVALUATED, FORMULATED, AND IMPLEMENTED BY**  
18 **THE NONCOMPLYING DISTRICT OR MUNICIPAL COURT OR OTHER DISTRICT OR**  
19 **MUNICIPAL COURT.**

20 (8) The state court administrator, at the direction of the  
21 supreme court and upon confirmation of the amount by the state  
22 treasurer, shall distribute **MONEY** from the drunk driving caseflow  
23 assistance fund ~~the total amount available in a fiscal year to each~~  
24 district of the district court and each municipal court **THAT**  
25 **FULFILLS THE REQUIREMENTS ESTABLISHED BY THE STATE COURT**  
26 **ADMINISTRATIVE OFFICE TO EVALUATE, FORMULATE, AND IMPLEMENT BEST**  
27 **PRACTICES** as provided in this section. The state court

1 administrator, after reimbursement of costs as provided in this  
2 subsection, shall distribute the ~~balance of~~ **MONEY FROM** the drunk  
3 driving caseflow assistance fund annually to each district of the  
4 district court and each municipal court **THAT FULFILLS THE**  
5 **REQUIREMENTS ESTABLISHED BY THE STATE COURT ADMINISTRATIVE OFFICE**  
6 **TO EVALUATE, FORMULATE, AND IMPLEMENT BEST PRACTICES. THE MONEY**  
7 **SHALL BE DISTRIBUTED** in an amount determined by multiplying the  
8 amount available for distribution by a fraction, the numerator of  
9 which is the number of cases in which the defendant was charged  
10 with a violation enumerated in subsection (5) in the prior calendar  
11 year in that district of the district court or that municipal court  
12 as certified by the state court administrator and the denominator  
13 of which is the total number of cases in all districts of the  
14 district court and all municipal courts in which the defendant was  
15 charged with a violation enumerated in subsection (5) in the  
16 calendar year. The state court administrative office shall be  
17 reimbursed annually from the drunk driving caseflow assistance fund  
18 for all reasonable costs associated with the administration of this  
19 section, including judicial and staff training, on-site management  
20 assistance, and software development and conversion.

21 (9) AS USED IN THIS SECTION, "BEST PRACTICES" MEANS A SET OF  
22 METHODS AND PROCESSES USED BY COURTS TO IMPROVE PERFORMANCE AND  
23 EFFICIENCY, AS DETERMINED BY THE STATE COURT ADMINISTRATIVE OFFICE,  
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2 (B) CATEGORY 2, CONSOLIDATION OF SERVICES, REQUIRES EACH  
3 ELIGIBLE COURT TO CERTIFY THAT IT HAS ENTERED INTO, AND MADE  
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12 THE STATE COURT ADMINISTRATIVE OFFICE THAT INCLUDES, BUT IS NOT  
13 LIMITED TO, PERFORMANCE MEASURES.