

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

***** 600.1084.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 11, 2018 *****

600.1084.amended DWI/sobriety court interlock program; certification of DWI/sobriety court by state court administrative office; consideration for placement; documentation of compliance with conditions; restricted license; informing secretary of state of certain occurrences; summary revocation or suspension of restricted license; definitions.

Sec. 1084. (1) The DWI/sobriety court interlock program is created under this section.

(2) All DWI/sobriety courts that participate in the program shall comply with the 10 guiding principles of DWI courts as promulgated by the National Center for DWI Courts.

(3) Beginning January 1, 2018, a DWI/sobriety court operating in this state, or a circuit court in any judicial circuit or the district court in any judicial district seeking to adopt or institute a DWI/sobriety court, must be certified by the state court administrative office in the same manner as required for a drug treatment court under section 1062(5). A DWI/sobriety court shall not perform any of the functions of a DWI/sobriety court, including, but not limited to, the functions of a drug treatment court described in section 1062(5) after January 1, 2018 unless the court has been certified by the state court administrative office as provided in section 1062(5).

(4) In order to be considered for placement in the program, an individual must have been convicted of either of the following:

(a) Two or more convictions for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(b) One conviction for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, preceded by 1 or more convictions for violating a local ordinance or law of another state substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a law of the United States substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(5) Each year, all DWI/sobriety courts that participate in the program, in cooperation with the state court administrative office, shall provide to the legislature, the secretary of state, and the supreme court documentation as to participants' compliance with court ordered conditions. Best practices available must be used in the research in question, as resources allow, so as to provide statistically reliable data as to the impact of the program on public safety and the improvement of life conditions for participants. The topics documented must include, but not be limited to, all of the following:

(a) The percentage of those participants ordered to place interlock devices on their vehicles who actually comply with the order.

(b) The percentage of participants who remove court-ordered interlocks from their vehicles without court approval.

(c) The percentage of participants who consume alcohol or controlled substances.

(d) The percentage of participants found to have tampered with court-ordered interlocks.

(e) The percentage of participants who operated a motor vehicle not equipped with an interlock.

(f) Relevant treatment information as to participants.

(g) The percentage of participants convicted of a new offense under section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(h) Any other information found to be relevant.

(6) Before the secretary of state issues a restricted license to a program participant under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304, the DWI/sobriety court judge shall certify to the secretary of state that the individual seeking the restricted license has been admitted into the program and that an interlock device has been placed on each motor vehicle owned or operated, or both, by the individual.

(7) If any of the following occur, the DWI/sobriety court judge shall immediately inform the secretary of state of that occurrence:

(a) The court orders that a program participant be removed from the DWI/sobriety court program before he or she successfully completes it.

(b) The court becomes aware that a program participant operates a motor vehicle that is not equipped with an interlock device or that a program participant tampers with, circumvents, or removes a court-ordered interlock device without prior court approval.

(c) A program participant is charged with a new violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(8) The receipt of notification by the secretary of state under subsection (7) must result in summary revocation or suspension of the restricted license under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304.

(9) As used in this section:

(a) "DWI/sobriety court" means the specialized court docket and programs established within judicial circuits and districts throughout this state that are designed to reduce recidivism among alcohol offenders and that comply with the 10 guiding principles of DWI courts as promulgated by the National Center for DWI Courts.

(b) "Ignition interlock device" means that term as defined in section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

(c) "Program" means the DWI/sobriety court interlock program created under this section.

History: Add. 2010, Act 154, Imd. Eff. Sept. 2, 2010;—Am. 2013, Act 227, Imd. Eff. Dec. 26, 2013;—Am. 2017, Act 161, Eff. Feb. 11, 2018.