



**House
Legislative
Analysis
Section**

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**DRUNK DRIVER DETENTION
CENTERS**

House Bills 6049, 6050, and 6051

Sponsor: Rep. Sandra Hill

Committee: Judiciary and Civil Rights

Complete to 9-17-96

A SUMMARY OF HOUSE BILLS 6049, 6050, and 6051 AS INTRODUCED 9-11-96

House Bills 6049, 6050, and 6051 would amend the Michigan Vehicle Code (MCL 257.625), and the Code of Criminal Procedure (MCL 771.1 et al.), and create the Drunk Driver Detention Center Act, respectively. Together the bills would create rules regarding the establishment and operation of drunk driver detention centers, similar to juvenile boot camps, and create procedures for placing drunk drivers in these centers.

House Bill 6051 would create the Drunk Driver Detention Center Act, which would require the Department of Corrections (DOC) to establish and operate, or contract with private vendors for the establishment and operation of, one or more drunk driver detention centers. Drunk driver detention centers would house and train drunk drivers who had been committed to a detention center as a condition of probation under the Code of Criminal Procedure (as amended by House Bill 6050). A convicted drunk driver for whom a court had ordered placement in a detention center would be transported directly to the detention center by the county sheriff and would not be processed through the department's prisoner reception center. During his or her placement in a detention center, a convicted drunk driver could be transferred from one detention center to another at the department's or the private vendor's discretion. Placement in a drunk driver detention center would be for no less than 90 days and no more than one year.

Each detention center would be required to provide both of the following: 1) a program of physically strenuous work and exercise, patterned after military basic training, along with other compatible programming as determined by DOC, and 2) treatment and rehabilitative services appropriate for convicted drunk drivers, including treatment and rehabilitative services for alcoholism.

A drunk driver who failed to perform satisfactorily at the detention center would be reported to his or her sentencing court for possible revocation of his or her probation and could be housed in a county jail while awaiting such a determination. The DOC or the private vendor would be required to provide the sentencing court with information certifying whether the drunk driver had satisfactorily completed the course of training at the detention center at least five days prior to his or her expected date of release.

House Bill 6049 would amend the Michigan Vehicle Code to provide that an individual convicted of operating a vehicle while under the influence of intoxicating liquor or a controlled substance (OUIL) who had 2 or more prior convictions within the preceding 10 years could voluntarily agree to be confined in a drunk driver detention center rather than be sentenced according to the current standards. If the drunk driver chose placement in a detention center the commitment to that center could not be suspended.

House Bill 6050 would amend the Code of Criminal Procedure (MCL 771.1) to add placement in a drunk driver detention center as a sentencing option for a person convicted of a third or subsequent OUIL offense within 10 years. Specifically, the bill would allow the court, in addition to any other terms or conditions of probation, to place a convicted drunk driver in, and order him or her to satisfactorily complete a program of training in, a drunk driver detention center as established under the provisions of House Bill 6051. In order to place a drunk driver in a detention center program, the individual would have to meet the following requirements: 1) be physically able to participate in the program, and 2) not appear to have any mental handicap that would prevent his or her participation in the program. After the individual were placed in the program, the DOC or the private vendor, whichever entity was running the program, would be responsible for determining whether the individual met the physical and mental requirements stated above. If the person did not meet these requirements, the probation order would be rescinded and the drunk driver would be returned to the court for sentencing.

The clerk of the court that had placed the drunk driver in the detention center program would be required to mail a certified copy of the judgement of sentence and the presentence investigation report to the operator of the detention center within five business days after the individual's placement.

As stated above, the drunk driver could be placed in the detention center program for no less than 90 days and no more than one year. However, if the drunk driver missed more than 5 days of the program due to medical excuse for injury or illness which occurred after his or her entrance in the program, the drunk driver's placement in the program could be increased by the number of days he or she missed, beginning with the sixth day he or she was medically excused. The individual's detention in the program could be extended on this basis for up to 20 days. If the injury or illness prevented the individual's participation in the program for more than 25 days he or she would be returned to the court for sentencing in accordance with the vehicle code. Verification of the medical excuse by way of a physician's statement would be required, and a copy of the excuse would have to be forwarded to the sentencing court. An individual would not be eligible for placement in a drunk driver detention center program more than once. However, an individual who had been unable to complete the program due to a medical condition could be placed in the program again after the medical condition had been corrected.

The court would be required to authorize the release of the drunk driver from the detention center program upon receipt of a report from the operator of the program indicating the individual's satisfactory performance in the program. Receipt of a report of unsatisfactory performance from operator of the center would be grounds for revocation of the individual's

probation as would any other violation of a term or condition of probation. The individual's term of confinement in the detention center program would be served in the manner outlined in House Bill 6051 (the proposed Drunk Driver Detention Center Act).

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.