



Senate Fiscal Agency  
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BILL ANALYSIS



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Senate Bill 845 (Substitute S-2 as reported)  
Sponsor: Senator Joel D. Gougeon  
Committee: Judiciary

Date Completed: 3-14-96

### RATIONALE

The percentage of traffic accidents in Michigan in which alcohol is a factor reportedly has decreased in recent years due to an increased emphasis on both enforcement of drunk driving laws and educational efforts focusing on the serious consequences of drinking and driving. One aspect of the drunk driving problem that has not been widely addressed, however, is the danger in which a child is placed when he or she is the passenger of a driver who is impaired by or under the influence of alcohol. In order to offer some degree of protection to children and to continue to emphasize the hazards of drunk driving, some people believe that additional penalties should apply to those who commit drunk driving offenses while transporting minor passengers.

### CONTENT

**The bill would amend the Michigan Vehicle Code's drunk driving provisions to make it a misdemeanor to operate a vehicle while under the influence of liquor or a controlled substance (OUIL) or while impaired due to the consumption of liquor or a controlled substance (OWI) when another person, who was less than 16 years old, occupied the vehicle.**

Under the bill, an OUIL violation committed while a person less than 16 years old was in the vehicle would be a misdemeanor punishable by not less than 60 days' or more than one year's imprisonment. An OWI violation committed while a person under 16 was in the vehicle would be a misdemeanor punishable by not less than 30 days' or more than 90 days' imprisonment.

A term of imprisonment imposed under the bill would have to be in addition to a sentence

imposed for OUIL or OWI, and could be served consecutively with and preceding any term of imprisonment for an OUIL or OWI conviction. Under the Code, a first OUIL offense is punishable by up to 45 days of community service, up to 90 days' imprisonment, and/or a fine of from \$100 to \$500. A first OWI offense is punishable by up to 45 days of community service, up to 90 days' imprisonment, and/or a maximum fine of \$300

MCL 257.625 & 257.625b

### ARGUMENTS

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### Supporting Argument

Driving a vehicle while under the influence of or impaired by alcohol or controlled substances is a serious offense and very irresponsible behavior. Accordingly, that violation of law has been treated more harshly in recent years, particularly for repeat offenders, and educational efforts about the dangers and consequences of drunk driving have been stepped up. When a driver engages in impaired driving or driving under the influence, the potential for danger to others is significantly increased if he or she has passengers. When the passenger is a minor, who is more impressionable and more vulnerable to being caught in such a situation, the drunk driving offense becomes even more egregious and irresponsible. Drivers who endanger the safety of their child passengers by operating a vehicle while impaired by or under the influence of alcohol or illicit drugs should be dealt with even more severely than the law currently allows. It is entirely appropriate to subject such drivers to additional sanctions, requiring jail time to

be served and allowing the sentencing court to require that the sentence be served consecutively with any other jail sentence imposed for the underlying offense.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill could result in increased costs for local units of government.

The additional penalties could result in increased costs of prosecuting and sanctioning violators of the bill's new provisions. There are currently no data available on the number of offenders who are convicted of OUIL and also had a person who was less than 16 years old in the vehicle. Given that the maximum penalty for a violation would be up to one year's imprisonment, the fiscal impact on the Department of Corrections is expected to be insignificant. Since the bill also includes mandatory minimum sentencing provisions, not less than 60 days for OUIL, and not less than 30 days for OWI, costs at the local level would increase since the penalties would include increased use of jail time.

The bill would have no fiscal impact on the Department of State.

Fiscal Analyst: M. Hansen  
B. Bowerman

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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.