



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5501 (Substitute H-1 as reported without amendment)

Sponsor: Representative Penny Crissman

House Committee: Judiciary and Civil Rights

Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Liquor Control Act to revise the penalty for a first-time misdemeanor offense of purchase, consumption, or possession of alcohol by a person less than 21 years of age; eliminate the legal presumption that a person under 21 has consumed or possessed alcohol if a preliminary chemical breath analysis or other acceptable blood alcohol test indicates that the person's blood contained .02% or more by weight of alcohol; and authorize the arrest of a person based upon the results of a preliminary chemical breath analysis and specify that those results would be admissible in a criminal prosecution for a minor's alcohol consumption or possession offense. The bill would take effect on April 1, 1997.

Currently, it is a misdemeanor for a person under 21 to purchase, consume, or possess alcohol. For a first offense, a minor may be fined up to \$100 and may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense. The bill would add to the penalty that a minor could be ordered to participate in substance abuse prevention or substance abuse treatment and rehabilitation services.

The Act allows a peace officer to require a person under 21 to submit to a preliminary chemical breath analysis. The Act also requires the court to make a legal presumption that a minor consumed or possessed alcohol if his or her blood contained .02% or more by weight of alcohol. The bill would delete the legal presumption provision. The bill, instead, would explicitly authorize an officer to arrest a person based on the results of a preliminary chemical breath analysis. The results would be admissible in a criminal prosecution to determine whether a person under 21 had consumed or possessed alcohol.

MCL 436.33b

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local units of government, if one assumes that the cost of any court-ordered substance abuse treatment and prevention services would be at the offender's expense, as is the case if an offender is ordered to undergo substance abuse screening and assessment. If ordered substance abuse treatment and prevention services were not at the offender's expense, then the cost to the State or local unit of government would be approximately \$55 per treatment visit per offender. As a point of reference, the average length of stay for persons in the Medicaid program in outpatient substance abuse treatment is 20 to 25 visits. If the experience of the offenders ordered into treatment under the provisions of this bill were similar to that of Medicaid-eligible individuals, then the average cost per offender would be \$1,100 to \$1,400.

Date Completed: 12-4-96

Fiscal Analyst: P. Graham

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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.