



HOUSE BILL No. 6050

September 11, 1996, Introduced by Reps. Hill, Bush, McBryde, Ryan and Rhead and referred to the Committee on Judiciary and Civil Rights.

A bill to amend chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
as amended, being sections 771.1 to 771.14a of the Michigan Compiled Laws, by adding section 3d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter XI of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 771.1 to 771.14a of the Michigan
3 Compiled Laws, is amended by adding section 3d to read as
4 follows:

CHAPTER XI

6 SEC. 3D. (1) IF THE COURT ORDERS THAT A PERSON BE COMMITTED
7 TO A DRUNK DRIVER DETENTION CENTER UNDER SECTION 625(7)(D)(i) OF
8 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
9 1949, BEING SECTION 257.625 OF THE MICHIGAN COMPILED LAWS, THE

1 COURT, IN ADDITION TO ANY OTHER TERMS OR CONDITIONS OF PROBATION
2 PROVIDED FOR UNDER THIS CHAPTER, SHALL REQUIRE UNDER A PROBATION
3 ORDER THAT THE PERSON BE CONFINED WITHOUT DELAY IN A DRUNK DRIVER
4 DETENTION CENTER FOR A PERIOD OF AT LEAST 90 DAYS BUT NOT MORE
5 THAN 1 YEAR, AND THAT THE PERSON SATISFACTORILY COMPLETE A PRO-
6 GRAM OF TREATMENT AND REHABILITATION PRESCRIBED FOR HIM OR HER BY
7 THE CENTER.

8 (2) NOTWITHSTANDING SUBSECTION (1), IN ORDER FOR A PERSON TO
9 BE PLACED IN A DRUNK DRIVER DETENTION CENTER, THE PERSON SHALL
10 MEET ALL OF THE FOLLOWING REQUIREMENTS:

11 (A) THE PERSON IS PHYSICALLY ABLE TO PARTICIPATE IN THE
12 DRUNK DRIVER DETENTION CENTER PROGRAM.

13 (B) THE PERSON DOES NOT APPEAR TO HAVE ANY MENTAL HANDICAP
14 THAT WOULD PREVENT PARTICIPATION IN THE DRUNK DRIVER DETENTION
15 CENTER PROGRAM.

16 (3) AFTER A PERSON IS PLACED IN A DRUNK DRIVER DETENTION
17 CENTER, THE DEPARTMENT OF CORRECTIONS, OR THE PRIVATE VENDOR
18 OPERATING THE DETENTION CENTER, SHALL ESTABLISH THAT THE PERSON
19 MEETS THE REQUIREMENTS OF SUBSECTION (2). THE PLACEMENT OF A
20 PERSON IN A DRUNK DRIVER DETENTION CENTER IS CONDITIONED UPON THE
21 PERSON MEETING THE REQUIREMENTS OF SUBSECTION (2). IF A PERSON
22 DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (2), THE PROBATION
23 ORDER IS RESCINDED, AND THE PERSON SHALL BE RETURNED TO THE COURT
24 AND SHALL BE SENTENCED IN THE MANNER PROVIDED BY LAW.

25 (4) IN EVERY CASE IN WHICH A PERSON IS PLACED IN A DRUNK
26 DRIVER DETENTION CENTER, THE CLERK OF THE SENTENCING COURT SHALL,
27 WITHIN 5 WORKING DAYS AFTER THE PLACEMENT, MAIL TO THE OPERATOR

1 OF THE DETENTION CENTER A CERTIFIED COPY OF THE JUDGMENT OF
2 SENTENCE AND THE PRESENTENCE INVESTIGATION REPORT OF THE PERSON
3 BEING PLACED.

4 (5) A PERSON SHALL BE PLACED IN A DRUNK DRIVER DETENTION
5 CENTER FOR A PERIOD OF AT LEAST 90 DAYS BUT NOT MORE THAN 1
6 YEAR. IF, DURING THAT PERIOD, THE PERSON MISSES MORE THAN 5 DAYS
7 OF PROGRAM PARTICIPATION DUE TO MEDICAL EXCUSE FOR ILLNESS OR
8 INJURY OCCURRING AFTER HE OR SHE WAS PLACED IN THE PROGRAM, THE
9 PERIOD OF PLACEMENT SHALL BE INCREASED BY THE NUMBER OF DAYS
10 MISSED, BEGINNING WITH THE SIXTH DAY OF MEDICAL EXCUSE, UP TO A
11 MAXIMUM OF 20 DAYS. A MEDICAL EXCUSE SHALL BE VERIFIED BY A
12 PHYSICIAN'S STATEMENT, A COPY OF WHICH SHALL BE PROVIDED TO THE
13 SENTENCING COURT. A PERSON WHO IS MEDICALLY UNABLE TO PARTICI-
14 PATE IN THE PROGRAM FOR MORE THAN 25 DAYS SHALL BE RETURNED TO
15 THE COURT FOR SENTENCING PURSUANT TO SUBSECTION (3).

16 (6) UPON RECEIVING A SATISFACTORY REPORT OF PERFORMANCE IN
17 THE PROGRAM FROM THE OPERATOR OF THE CENTER, THE COURT SHALL
18 AUTHORIZE THE RELEASE OF THE PERSON FROM CONFINEMENT IN THE DRUNK
19 DRIVER DETENTION CENTER. THE RECEIPT OF AN UNSATISFACTORY REPORT
20 SHALL BE GROUNDS FOR REVOCATION OF PROBATION AS WOULD ANY OTHER
21 VIOLATION OF A CONDITION OR TERM OF PROBATION.

22 (7) A TERM OF CONFINEMENT IN A DRUNK DRIVER DETENTION CENTER
23 SHALL BE SERVED IN THE MANNER PROVIDED IN THE DRUNK DRIVER DETEN-
24 TION CENTER ACT.

25 (8) EXCEPT AS PROVIDED IN SUBSECTION (9), A PERSON SHALL NOT
26 BE INCARCERATED IN A DRUNK DRIVER DETENTION CENTER MORE THAN
27 ONCE.

1 (9) IF A PERSON WAS PLACED IN A DRUNK DRIVER DETENTION
2 CENTER BUT WAS RETURNED TO THE COURT FOR SENTENCING BECAUSE OF A
3 MEDICAL CONDITION EXISTING AT THE TIME OF THE PLACEMENT, THE
4 PERSON MAY BE PLACED AGAIN IN A DRUNK DRIVER DETENTION CENTER
5 AFTER THE MEDICAL CONDITION IS CORRECTED.