



HOUSE BILL No. 6168

November 28, 2000, Introduced by Rep. Ruth Johnson and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 3d to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XI

SEC. 3D. (1) IF THE COURT ORDERS THAT A PERSON BE COMMITTED
TO A DRUNK DRIVER DETENTION CENTER UNDER SECTION 625(8)(C)(iii)
OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, THE
COURT, IN ADDITION TO ANY OTHER TERMS OR CONDITIONS OF PROBATION
PROVIDED FOR UNDER THIS CHAPTER, SHALL REQUIRE UNDER A PROBATION
ORDER THAT THE PERSON BE CONFINED WITHOUT DELAY IN A DRUNK DRIVER
DETENTION CENTER FOR A PERIOD OF AT LEAST 90 DAYS BUT NOT MORE
THAN 1 YEAR, AND THAT THE PERSON SATISFACTORILY COMPLETE A
PROGRAM OF TREATMENT AND REHABILITATION PRESCRIBED FOR HIM OR HER
BY THE CENTER.

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

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

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

9 (3) AFTER A PERSON IS PLACED IN A DRUNK DRIVER DETENTION
10 CENTER, THE DEPARTMENT OF CORRECTIONS, OR THE PRIVATE VENDOR
11 OPERATING THE DETENTION CENTER, SHALL ESTABLISH THAT THE PERSON
12 MEETS THE REQUIREMENTS OF SUBSECTION (2). THE PLACEMENT OF A
13 PERSON IN A DRUNK DRIVER DETENTION CENTER IS CONDITIONED UPON THE
14 PERSON MEETING THE REQUIREMENTS OF SUBSECTION (2). IF A PERSON
15 DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (2), THE PROBATION
16 ORDER IS RESCINDED, AND THE PERSON SHALL BE RETURNED TO THE COURT
17 AND SHALL BE SENTENCED IN THE MANNER PROVIDED BY LAW.

18 (4) IN EVERY CASE IN WHICH A PERSON IS PLACED IN A DRUNK
19 DRIVER DETENTION CENTER, THE CLERK OF THE SENTENCING COURT SHALL,
20 WITHIN 5 WORKING DAYS AFTER THE PLACEMENT, MAIL TO THE OPERATOR
21 OF THE DETENTION CENTER A CERTIFIED COPY OF THE JUDGMENT OF SEN-
22 TENCE AND THE PRESENTENCE INVESTIGATION REPORT OF THE PERSON
23 BEING PLACED.

24 (5) A PERSON SHALL BE PLACED IN A DRUNK DRIVER DETENTION
25 CENTER FOR A PERIOD OF AT LEAST 90 DAYS BUT NOT MORE THAN 1
26 YEAR. IF, DURING THAT PERIOD, THE PERSON MISSES MORE THAN 5 DAYS
27 OF PROGRAM PARTICIPATION DUE TO MEDICAL EXCUSE FOR ILLNESS OR

1 INJURY OCCURRING AFTER HE OR SHE WAS PLACED IN THE PROGRAM, THE
2 PERIOD OF PLACEMENT SHALL BE INCREASED BY THE NUMBER OF DAYS
3 MISSED, BEGINNING WITH THE SIXTH DAY OF MEDICAL EXCUSE, UP TO A
4 MAXIMUM OF 20 DAYS. A MEDICAL EXCUSE SHALL BE VERIFIED BY A
5 PHYSICIAN'S STATEMENT, A COPY OF WHICH SHALL BE PROVIDED TO THE
6 SENTENCING COURT. A PERSON WHO IS MEDICALLY UNABLE TO PARTICI-
7 PATE IN THE PROGRAM FOR MORE THAN 25 DAYS SHALL BE RETURNED TO
8 THE COURT FOR SENTENCING PURSUANT TO SUBSECTION (3).

9 (6) UPON RECEIVING A SATISFACTORY REPORT OF PERFORMANCE IN
10 THE PROGRAM FROM THE OPERATOR OF THE CENTER, THE COURT SHALL
11 AUTHORIZE THE RELEASE OF THE PERSON FROM CONFINEMENT IN THE DRUNK
12 DRIVER DETENTION CENTER. THE RECEIPT OF AN UNSATISFACTORY REPORT
13 SHALL BE GROUNDS FOR REVOCATION OF PROBATION AS WOULD ANY OTHER
14 VIOLATION OF A CONDITION OR TERM OF PROBATION.

15 (7) A TERM OF CONFINEMENT IN A DRUNK DRIVER DETENTION CENTER
16 SHALL BE SERVED IN THE MANNER PROVIDED IN THE DRUNK DRIVER DETEN-
17 TION CENTER ACT.

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

21 (9) IF A PERSON WAS PLACED IN A DRUNK DRIVER DETENTION
22 CENTER BUT WAS RETURNED TO THE COURT FOR SENTENCING BECAUSE OF A
23 MEDICAL CONDITION EXISTING AT THE TIME OF THE PLACEMENT, THE
24 PERSON MAY BE PLACED AGAIN IN A DRUNK DRIVER DETENTION CENTER
25 AFTER THE MEDICAL CONDITION IS CORRECTED.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 90th Legislature
3 are enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. 6167 (request
5 no. 06702'00).

6 (b) Senate Bill No. _____ or House Bill No. 6169 (request
7 no. 06702'00 b).