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House Bill 5120 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Representative William Van Regenmorter
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to do all of the following:

- Include violations of Section 625(8) of the Code in several provisions relating to license sanctions and court proceedings in drunk driving cases. (Section 625(8), which was enacted by Public Act 61 of 2003 and took effect on October 1, 2003, prohibits a person from operating a vehicle if he or she has any bodily presence of a Schedule 1 controlled substance or cocaine.)
- Revise the definition of "alcoholic liquor" to include any liquid or compound with any amount of alcohol, rather than those containing at least 0.5% of alcohol.
- Include the Dominion of Canada within the Code's definition of "state".

The bill also would require court clerks to forward to the Secretary of State an abstract of a court record if a person pleaded guilty to or admitted responsibility for a violation under Section 703 of the Michigan Liquor Control Code, and would require courts to forward a dismissal of proceedings under that section. The Department of State could not release that information except as provided in Section 703. (That section prohibits a minor from purchasing, consuming, or possessing, or attempting to purchase, consume, or possess alcohol. Senate Bill 637 would amend Section 703 to allow a first-time offender who pleaded guilty to serve a probationary term and have the charges dismissed without adjudication of guilt upon fulfilling the conditions of probation.) These provisions of House Bill 5120 (S-3) would apply beginning September 1, 2004.

In addition, the bill would add a definition of "work zone" identical to that enacted by Public Act 315 of 2003, which will take effect on April 8, 2004. The bill's definition of "work zone" would be repealed on that date. (The term pertains to penalties for committing a moving violation that injures or kills a person working in a work zone.)

The bill is tie-barred to Senate Bill 637.

MCL 257.1d et al

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 1-28-04

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