

Legislative Analysis



SOBRIETY COURT INTERLOCK PILOT PROJECT: MAKE PROGRAM PERMANENT

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House Bill 5020 as enrolled
Public Act 226 of 2013
Sponsor: Rep. Nancy E. Jenkins

House Bill 5021 as enrolled
Public Act 227 of 2013
Sponsor: Rep. Dan Lauwers

House Committee: Judiciary
Senate Committee: Judiciary
First Analysis (7-17-14)

BRIEF SUMMARY: Taken together, the bills extend the DWI/Sobriety Court Interlock Pilot Project by one year and, beginning on January 1, 2015, continue the project as the DWI/Sobriety Court Interlock Program on a permanent basis.

FISCAL IMPACT: The Department of State projects program costs to be about \$766,000 in the current fiscal year. By extending the program, the bills would result in costs to the Secretary of State for hearings and inspections above what otherwise would be incurred. In addition, the bills would have an indeterminate impact on the local court systems, but likely negligible. Currently, there are 31 DWI /sobriety courts operating in the state. Many of these programs existed prior to the interlock pilot project and will continue to operate whether the sunset is removed or not.

THE APPARENT PROBLEM:

Public Acts 154 and 155 of 2010 amended separate acts to create a three-year pilot project that enables a person whose driver's license is suspended or revoked/denied for multiple convictions of operating a vehicle while intoxicated or visibly impaired to receive a restricted license if certain conditions are met, such as admittance into a sobriety court program and installation of an ignition interlock device on each vehicle the driver owns or operates. Entrance into the pilot project was restricted to those arrested for a repeat violation after January 1, 2011. Thus, the allotted time period for the pilot project to operate is about to expire.

Early project evaluations indicate a high compliance rate among program participants, especially in regards to using ignition interlock devices. An evaluation released in 2013 by the Michigan Association of Drug Court Professionals reported that program participants had lower drug and alcohol use than nonparticipants and also had a lower recidivism rate than for other criminal offenses. At least four other states have enacted similar laws.

However, the Office of Secretary of State has expressed concerns with the ability to administer the interlock program, especially once it goes statewide. Legislation addressing the agency's concerns has been introduced in the Senate and is currently pending Senate floor action (SBs 637-639).

THE CONTENT OF THE BILLS:

The bills, which are tie-barred to each other, do the following:

House Bill 5021 amends the Revised Judicature Act (MCL 600.1084) to extend by one year the time period during which the DWI/Sobriety Court Interlock Pilot Project will operate. Under the bill, the project would begin on January 1, 2011, and operate for a period of four years, rather than three.

Beginning January 1, 2015, the DWI/Sobriety Court Interlock Program would be created. The Program will continue with the same requirements, eligibility criteria, authority, and limitations as those in place for the pilot project. An individual participating in a DWI/Sobriety Court *Interlock Pilot Project* on December 31, 2014, will automatically become a participant in a DWI/Sobriety Court *Interlock Program* on January 1, 2015, (unless the individual's participation in the pilot project ceased by its own terms before January 1, 2015).

The bill also revises references to the project to conform to the bill's provisions. All other project requirements will continue as specified in statute, including annual reports by DWI/Sobriety Courts participating in the project regarding program participants' compliance with court ordered conditions.

"Pilot project" would be defined to mean the DWI/Sobriety Court Interlock Pilot Project created under Section 1084(1) on September 2, 2010, and authorized to operate for four years beginning January 1, 2011.

"Program" would mean the DWI/Sobriety Court Interlock Program created on December 26, 2013, and authorized to operate beginning January 1, 2015.

House Bill 5020 amends the Michigan Vehicle Code (257.304) to revise references to the DWI/Sobriety Court Interlock Pilot Project and the DWI/Sobriety Court Interlock Pilot Program to the DWI/Sobriety Court Program. The bill also defines "DWI/Sobriety Court Program" (instead of "DWI/Sobriety Court Interlock Pilot Project") as meaning "pilot project" or "program" as those terms are defined by House Bill 5021.

ARGUMENTS:

For:

Repeat drunk and/or drugged drivers pose a serious threat when they get behind the wheel of a vehicle. Many continue to drive on revoked or suspended licenses, and many continue to do so under the influence of, or impaired by, drugs or alcohol or a

combination of both. Though good treatment programs are available, it can be difficult for a person whose driving privileges have been taken away to find transportation to the meetings. It also is difficult for these individuals to find or maintain employment. For such individuals, the risk for continued substance abuse problems, and the risk for driving while drunk or drugged, increases.

The DWI/Sobriety Court Interlock Pilot Project, which under House Bill 5021 will run until the end of 2014, has used a "carrot and stick" approach to motivate these individuals to stay sober with the reward of a restricted license so that they can drive to treatment programs, work, go to school, and make it to court appearances. The accountability the project affords is increasing compliance rates from a traditionally non-compliant population. After more than three years of statistics to prove that it works, it is time to expand the pilot project to the entire state and to make it permanent.

Expansion of the pilot project acknowledges that even repeat drunk or drugged drivers can be rehabilitated, comports with federal regulations that require installation of an interlock ignition device before being issued a restricted license, and most importantly, saves lives.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.