

Legislative Analysis



SOBRIETY COURT INTERLOCK PILOT PROJECT: ELIMINATE SUNSET

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House Bill 5020 without amendment
Sponsor: Rep. Nancy E. Jenkins

House Bill 5021 without amendment
Sponsor: Rep. Dan Lauwers
Committee: Judiciary

Complete to 10-23-13

A SUMMARY OF HOUSE BILLS 5020 AND 5021 AS REPORTED FROM COMMITTEE

Taken together, the bills would eliminate the sunset on the DWI/Sobriety Court Interlock Pilot Project, thus enabling the project to continue indefinitely.

BACKGROUND INFORMATION

Public Acts 154 and 155 of 2010 amended separate acts to create a three-year pilot project that enabled 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 were met, such as admittance into a sobriety court program and installation of an ignition interlock device on each vehicle the driver owned or operated. Entrance into the pilot project was restricted to those arrested after January 1, 2011, for a repeat violation. 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 earlier this year 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. Reportedly, the SOS hopes to have a companion bill ready soon that will enable them to effectively and efficiently administer the program.

CONTENT OF THE BILLS

House Bill 5021 would amend the Revised Judicature Act (MCL 600.1084) to eliminate language specifying that the DWI/Sobriety Court Interlock Pilot Project would begin on January 1, 2011 and continue for a period of three years after that date. The bill would

also eliminate the word "pilot" in references to the project. All other project requirements would continue as specified in statute, including annual reports by DWI/Sobriety Courts participating in the project regarding program participants' compliance with court ordered conditions.

House Bill 5020 would amend the Michigan Vehicle Code (257.304) to eliminate the word "pilot" in references to the DWI/Sobriety Court Interlock Project.

FISCAL IMPACT:

A fiscal analysis is in process.

POSITIONS:

A representative of the Michigan Association of Drug Court Professionals testified in support of the bills. (10-10-13)

The State Court Administrative Office indicated support for the bills. (10-10-13)

The Michigan Alcohol Policy Promoting Health and Safety indicated support for the bills. (10-10-13)

A representative of the Office of Secretary of State testified that the Office was neutral on the legislation. (10-10-13)

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Fiscal Analyst: Robin Risko

■ 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.