

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5021

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1084 (MCL 600.1084), as added by 2010 PA 154.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1084. (1) A DWI/sobriety court interlock pilot project is
2 created utilizing the DWI/sobriety courts in this state and in
3 accordance with the provisions of this chapter. The DWI/sobriety
4 court interlock pilot project shall begin on January 1, 2011 and
5 shall continue for a period of 3-4 years after that date. **BEGINNING**
6 **JANUARY 1, 2015, THE DWI/SOBRIETY COURT INTERLOCK PROGRAM SHALL BE**
7 **CREATED AND SHALL CONTINUE WITH THE SAME REQUIREMENTS, ELIGIBILITY**
8 **CRITERIA, AUTHORITY, AND LIMITATIONS AS THOSE PRESCRIBED IN THIS**
9 **SECTION FOR THE DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT. AN**

1 INDIVIDUAL WHO IS A PARTICIPANT IN A DWI/SOBRIETY COURT INTERLOCK
2 PILOT PROJECT ON DECEMBER 31, 2014 SHALL BECOME, AUTOMATICALLY, A
3 PARTICIPANT IN A DWI/SOBRIETY COURT INTERLOCK PROGRAM ON JANUARY 1,
4 2015, UNLESS THE INDIVIDUAL'S PARTICIPATION IN THE PILOT PROJECT
5 CEASED BY ITS OWN TERMS BEFORE JANUARY 1, 2015.

6 (2) All DWI/sobriety courts that participate in the
7 ~~DWI/sobriety court interlock pilot project~~ **OR PROGRAM** shall comply
8 with the 10 guiding principles of DWI courts as promulgated by the
9 national center for DWI courts.

10 (3) In order to be considered for placement in the
11 ~~DWI/sobriety court~~ **PILOT PROJECT OR** program, an individual must
12 have been convicted of either of the following:

13 (a) Two or more convictions for violating section 625(1) or
14 (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a
15 local ordinance of this state substantially corresponding to
16 section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300,
17 MCL 257.625.

18 (b) One conviction for violating section 625(1) or (3) of the
19 Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local
20 ordinance of this state substantially corresponding to section
21 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL
22 257.625, preceded by 1 or more convictions for violating a local
23 ordinance or law of another state substantially corresponding to
24 section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA
25 300, MCL 257.625, or a law of the United States substantially
26 corresponding to section 625(1), (3), or (6) of the Michigan
27 vehicle code, 1949 PA 300, MCL 257.625.

1 (4) Each year, all DWI/sobriety courts that participate in the
2 ~~DWI/sobriety court interlock pilot project~~ **OR PROGRAM**, in
3 cooperation with the state court administrative office, shall
4 provide to the legislature, the secretary of state, and the supreme
5 court documentation as to ~~program~~-participants' compliance with
6 court ordered conditions. Best practices available shall be used in
7 the research in question, as resources allow, so as to provide
8 statistically reliable data as to the impact of the pilot project
9 **OR PROGRAM** on public safety and the improvement of life conditions
10 for ~~program~~-participants. The topics documented shall include, but
11 not be limited to, all of the following:

12 (a) The percentage of those ~~program~~-participants ordered to
13 place interlock devices on their vehicles who actually comply with
14 the order.

15 (b) The percentage of ~~program~~-participants who remove court-
16 ordered interlocks from their vehicles without court approval.

17 (c) The percentage of ~~program~~-participants who consume alcohol
18 or controlled substances.

19 (d) The percentage of ~~program~~-participants found to have
20 tampered with court-ordered interlocks.

21 (e) The percentage of ~~program~~-participants who operated a
22 motor vehicle not equipped with an interlock.

23 (f) Relevant treatment information as to ~~program~~-participants.

24 (g) The percentage of ~~program~~-participants convicted of a new
25 offense under section 625(1) or (3) of the Michigan vehicle code,
26 1949 PA 300, MCL 257.625.

27 (h) Any other information found to be relevant.

1 (5) Before the secretary of state issues a restricted license
2 to a **PILOT PROJECT OR** program participant under section 304 of the
3 Michigan vehicle code, 1949 PA 300, MCL 257.304, the DWI/sobriety
4 court judge shall certify to the secretary of state that the
5 individual seeking the restricted license has been admitted into
6 the ~~DWI/sobriety court~~**PILOT PROJECT OR** program and that an
7 interlock device has been placed on each motor vehicle owned or
8 operated, or both, by the individual.

9 (6) If any of the following occur, the DWI/sobriety court
10 judge shall immediately inform the secretary of state of that
11 occurrence:

12 (a) The court orders that a **PILOT PROJECT OR** program
13 participant be removed from the DWI/sobriety court pilot **PROJECT OR**
14 program before he or she successfully completes it.

15 (b) The court becomes aware that a ~~program~~ participant
16 operates a motor vehicle that is not equipped with an interlock
17 device or that a ~~program~~ participant tampers with, circumvents, or
18 removes a court-ordered interlock device without prior court
19 approval.

20 (c) A ~~program~~ participant is charged with a new violation of
21 section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

22 (7) The receipt of notification by the secretary of state
23 under subsection (6) shall result in summary revocation or
24 suspension of the restricted license under section 304 of the
25 Michigan vehicle code, 1949 PA 300, MCL 257.304.

26 (8) As used in this section:

27 (a) "DWI/sobriety courts" means the specialized court **DOCKET**

1 **AND** programs established within judicial circuits and districts
2 throughout this state that are designed to reduce recidivism among
3 alcohol offenders and that comply with the 10 guiding principles of
4 DWI courts as promulgated by the national center for DWI courts.

5 (b) "Ignition interlock device" means that term as defined in
6 section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

7 (C) **"PILOT PROJECT" MEANS THE DWI/SOBRIETY COURT INTERLOCK**
8 **PILOT PROJECT CREATED UNDER SUBSECTION (1) ON SEPTEMBER 2, 2010 AND**
9 **AUTHORIZED TO OPERATE FOR 4 YEARS BEGINNING JANUARY 1, 2011.**

10 (D) **"PROGRAM" MEANS THE DWI/SOBRIETY COURT INTERLOCK PROGRAM**
11 **CREATED ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
12 **SUBDIVISION AND AUTHORIZED TO OPERATE BEGINNING JANUARY 1, 2015.**

13 Enacting section 1. This amendatory act does not take effect
14 unless House Bill No. 5020 of the 97th Legislature is enacted into
15 law.