

HOUSE BILL No. 5021

October 1, 2013, Introduced by Rep. Lauwers and referred to the Committee on Judiciary.

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 years after that date.~~

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

10 (3) In order to be considered for placement in the

1 DWI/sobriety court program, an individual must have been convicted
2 of either of the following:

3 (a) Two or more convictions for violating section 625(1) or
4 (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a
5 local ordinance of this state substantially corresponding to
6 section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.625.

8 (b) One conviction for violating section 625(1) or (3) of the
9 Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local
10 ordinance of this state substantially corresponding to section
11 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL
12 257.625, preceded by 1 or more convictions for violating a local
13 ordinance or law of another state substantially corresponding to
14 section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA
15 300, MCL 257.625, or a law of the United States substantially
16 corresponding to section 625(1), (3), or (6) of the Michigan
17 vehicle code, 1949 PA 300, MCL 257.625.

18 (4) Each year, all DWI/sobriety courts that participate in the
19 DWI/sobriety court interlock ~~pilot~~ project, in cooperation with the
20 state court administrative office, shall provide to the
21 legislature, the secretary of state, and the supreme court
22 documentation as to program participants' compliance with court
23 ordered conditions. Best practices available shall be used in the
24 research in question, as resources allow, so as to provide
25 statistically reliable data as to the impact of the ~~pilot~~ project
26 on public safety and the improvement of life conditions for program
27 participants. The topics documented shall include, but not be

1 limited to, all of the following:

2 (a) The percentage of those program participants ordered to
3 place interlock devices on their vehicles who actually comply with
4 the order.

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

7 (c) The percentage of program participants who consume alcohol
8 or controlled substances.

9 (d) The percentage of program participants found to have
10 tampered with court-ordered interlocks.

11 (e) The percentage of program participants who operated a
12 motor vehicle not equipped with an interlock.

13 (f) Relevant treatment information as to program participants.

14 (g) The percentage of program participants convicted of a new
15 offense under section 625(1) or (3) of the Michigan vehicle code,
16 1949 PA 300, MCL 257.625.

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

18 (5) Before the secretary of state issues a restricted license
19 to a program participant under section 304 of the Michigan vehicle
20 code, 1949 PA 300, MCL 257.304, the DWI/sobriety court judge shall
21 certify to the secretary of state that the individual seeking the
22 restricted license has been admitted into the DWI/sobriety court
23 program and that an interlock device has been placed on each motor
24 vehicle owned or operated, or both, by the individual.

25 (6) If any of the following occur, the DWI/sobriety court
26 judge shall immediately inform the secretary of state of that
27 occurrence:

1 (a) The court orders that a program participant be removed
2 from the DWI/sobriety court ~~pilot~~ program before he or she
3 successfully completes it.

4 (b) The court becomes aware that a program participant
5 operates a motor vehicle that is not equipped with an interlock
6 device or that a program participant tampers with, circumvents, or
7 removes a court-ordered interlock device without prior court
8 approval.

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

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

15 (8) As used in this section:

16 (a) "DWI/sobriety courts" means the specialized court programs
17 established within judicial circuits and districts throughout this
18 state that are designed to reduce recidivism among alcohol
19 offenders and that comply with the 10 guiding principles of DWI
20 courts as promulgated by the national center for DWI courts.

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

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 5020 (request no.
25 03010'13 a) of the 97th Legislature is enacted into law.