

Act No. 227
Public Acts of 2013
Approved by the Governor
December 21, 2013
Filed with the Secretary of State
December 26, 2013
EFFECTIVE DATE: December 26, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Rep. Lauwers

ENROLLED HOUSE BILL No. 5021

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 1084 (MCL 600.1084), as added by 2010 PA 154.

The People of the State of Michigan enact:

Sec. 1084. (1) A DWI/sobriety court interlock pilot project is created utilizing the DWI/sobriety courts in this state and in accordance with the provisions of this chapter. The DWI/sobriety court interlock pilot project shall begin on January 1, 2011 and shall continue for a period of 4 years after that date. Beginning January 1, 2015, the DWI/sobriety court interlock program shall be created and shall continue with the same requirements, eligibility criteria, authority, and limitations as those prescribed in this section for the DWI/sobriety court interlock pilot project. An individual who is a participant in a DWI/sobriety court interlock pilot project on December 31, 2014 shall become, automatically, 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.

(2) All DWI/sobriety courts that participate in the pilot project or program shall comply with the 10 guiding principles of DWI courts as promulgated by the national center for DWI courts.

(3) In order to be considered for placement in the pilot project or program, an individual must have been convicted of either of the following:

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

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

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

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

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

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

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

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

(f) Relevant treatment information as to participants.

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

(h) Any other information found to be relevant.

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

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

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

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

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

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

(8) As used in this section:

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

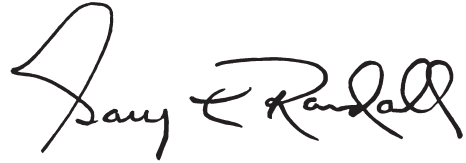
(b) "Ignition interlock device" means that term as defined in section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

(c) "Pilot project" means the DWI/sobriety court interlock pilot project created under subsection (1) on September 2, 2010 and authorized to operate for 4 years beginning January 1, 2011.

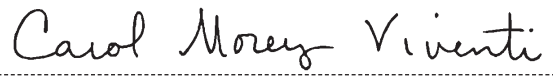
(d) "Program" means the DWI/sobriety court interlock program created on the effective date of the amendatory act that added this subdivision and authorized to operate beginning January 1, 2015.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor