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BILL



ANALYSIS

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Senate Bill 153 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Senator Wayne Schmidt
Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- Specify that, if a driver's urine were obtained for medical treatment after a motor vehicle accident, the results of a chemical analysis of the sample would be admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance in the urine.
- Provide that a person would be considered to have given consent to chemical tests of his or her blood, breath, or urine if a peace officer had reasonable cause to believe that the person was the operator of a vehicle that caused a fatal accident.
- Provide that the results of a chemical test in a fatal accident would be admissible in a criminal prosecution if the court determined that reasonable cause existed, independent of the test results, to believe that the person was impaired or under the influence of alcohol, a controlled substance, and/or other intoxicating substance.

Under the Code, if the driver of a vehicle involved in an accident is transported to a medical facility and his or her blood is withdrawn for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance, regardless of whether the person had been offered or had refused a chemical test. Under the bill, if the driver's blood were withdrawn or his or her urine were obtained for medical treatment, the results of a chemical analysis of either or both of those samples would be admissible.

The Code provides that a person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or other intoxicating substance, or any combination of them, in his or her blood or urine or the amount of alcohol in his or her breath if the person is arrested for certain violations. Under the bill, a person also would be considered to have given consent to chemical tests of his or her blood, breath, or urine if a peace officer had reasonable cause to believe that the person was the operator of a vehicle that caused a fatal accident. The results of a chemical test in a fatal accident would be admissible in a criminal prosecution as described above.

The bill would take effect 90 days after its enactment.

MCL 257.625a & 257.625c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 10-7-15

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.