

1 following apply and by assigning the number of points attributable
2 to the one that has the highest number of points:

3 (a) A victim was killed..... 100 points

4 (b) A victim was killed..... 50 points

5 (c) Life threatening or permanent incapacitating
6 injury occurred to a victim..... 25 points

7 (d) Bodily injury requiring medical treatment
8 occurred to a victim..... 10 points

9 (e) Bodily injury not requiring medical treatment
10 occurred to a victim..... 5 points

11 (f) No physical injury occurred to a victim..... 0 points

12 (2) All of the following apply to scoring offense variable 3:

13 (a) In multiple offender cases, if 1 offender is assessed
14 points for death or physical injury, all offenders must be assessed
15 the same number of points.

16 (b) Score 100 points if death results from the commission of a
17 crime and homicide is not the sentencing offense.

18 (c) Score 50 points if death results from the commission of a
19 crime and the offense or attempted offense involves the operation
20 of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive and
21 any of the following apply:

22 (i) The offender was under the influence of or visibly impaired
23 by the use of alcoholic liquor, a controlled substance, or a
24 combination of alcoholic liquor and a controlled substance.

25 (ii) The offender had an alcohol content of ~~0.08~~**0.05** grams or
26 more per 100 milliliters of blood, per 210 liters of breath, or per
27 67 milliliters of urine or, beginning October 1, ~~2021~~**2026**, the
28 offender had an alcohol content of 0.10 grams or more per 100
29 milliliters of blood, per 210 liters of breath, or per 67



1 milliliters of urine.

2 (iii) The offender's body contained any amount of a controlled
3 substance listed in schedule 1 under section 7212 of the public
4 health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under
5 that section, or a controlled substance described in section
6 7214(a) (iv) of the public health code, 1978 PA 368, MCL 333.7214.

7 (d) Do not score 5 points if bodily injury is an element of
8 the sentencing offense.

9 (3) As used in this section, "requiring medical treatment"
10 refers to the necessity for treatment and not the victim's success
11 in obtaining treatment.

12 Sec. 48. (1) Offense variable 18 is operator ability affected
13 by alcohol or drugs. Score offense variable 18 by determining which
14 of the following apply and by assigning the number of points
15 attributable to the one that has the highest number of points:

16 (a) The offender operated a vehicle, vessel, ORV,
17 snowmobile, aircraft, or locomotive when his or her
18 bodily alcohol content was 0.20 grams or more per 100
19 milliliters of blood, per 210 liters of breath, or per 67
20 milliliters of urine..... 20 points

21 (b) The offender operated a vehicle, vessel, ORV,
22 snowmobile, aircraft, or locomotive when his or her
23 bodily alcohol content was 0.15 grams or more but less
24 than 0.20 grams per 100 milliliters of blood, per 210
25 liters of breath, or per 67 milliliters of urine..... 15 points

1 (c) The offender operated a vehicle, vessel, ORV,
 2 snowmobile, aircraft, or locomotive while the offender
 3 was under the influence of alcoholic or intoxicating
 4 liquor, a controlled substance, or a combination of
 5 alcoholic or intoxicating liquor and a controlled
 6 substance; or while the offender's body contained any
 7 amount of a controlled substance listed in schedule 1
 8 under section 7212 of the public health code, 1978 PA
 9 368, MCL 333.7212, or a rule promulgated under that
 10 section, or a controlled substance described in section
 11 7214(a) (iv) of the public health code, 1978 PA 368, MCL
 12 333.7214; or while the offender had an alcohol content of
 13 ~~0.08~~**0.05** grams or more but less than 0.15 grams per 100
 14 milliliters of blood, per 210 liters of breath, or per 67
 15 milliliters of urine or, beginning October 1, ~~2021~~**2026**,
 16 the offender had an alcohol content of 0.10 grams or more
 17 but less than 0.15 grams per 100 milliliters of blood,
 18 per 210 liters of breath, or per 67 milliliters of
 19 urine..... 10 points

20 (d) The offender operated a vehicle, vessel, ORV,
 21 snowmobile, aircraft, or locomotive while he or she was
 22 visibly impaired by the use of alcoholic or intoxicating
 23 liquor or a controlled substance or a combination of
 24 alcoholic or intoxicating liquor and a controlled
 25 substance, or was less than 21 years of age and had any
 26 bodily alcohol content..... 5 points

1 (e) The offender's ability to operate a vehicle,
2 vessel, ORV, snowmobile, aircraft, or locomotive was not
3 affected by an alcoholic or intoxicating liquor or a
4 controlled substance or a combination of alcoholic or
5 intoxicating liquor and a controlled substance..... 0 points

6 (2) As used in this section, "any bodily alcohol content"
7 means either of the following:

8 (a) An alcohol content of 0.02 grams or more but less than
9 ~~0.08~~**0.05** grams per 100 milliliters of blood, per 210 liters of
10 breath, or per 67 milliliters of urine or, beginning October 1,
11 ~~2021~~**2026**, 0.02 grams or more but less than 0.10 grams per 100
12 milliliters of blood, per 210 liters of breath, or per 67
13 milliliters of urine.

14 (b) Any presence of alcohol within an individual's body
15 resulting from the consumption of alcoholic or intoxicating liquor
16 other than the consumption of alcoholic or intoxicating liquor as
17 part of a generally recognized religious service or ceremony.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect
21 unless Senate Bill No.____ or House Bill No.____ (request no.
22 01419'19) of the 100th Legislature is enacted into law.

