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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

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Senate Bill 88

Sponsor: Senator William Sederburg

Committee: Judiciary

Date Completed: 2-16-89

SUMMARY OF SENATE BILL 88 as introduced 2-2-89:

The bill would amend the Michigan Vehicle Code to impose a mandatory sentence for second and third violations of the Code's prohibition against operating a vehicle under the influence of liquor, a controlled substance, or a combination of the two, or with a blood alcohol content of .10% or more. The bill would take effect on October 1, 1989.

Under the bill, a person who committed a second violation within seven years of a prior conviction would have to be sentenced to imprisonment for 48 hours to one year, and could be fined up to \$1,000. A person who committed a third violation within 10 years of two or more prior convictions would have to be sentenced to imprisonment for 48 hours to five years, and could be fined between \$500 and \$5,000. In lieu of incarceration for either the second or third violation, however, a court could order the person to perform 10 to 22 days' community service, for which he or she could not receive compensation. Neither the term of imprisonment nor the community service could be suspended. (Currently, the Code allows, but does not mandate, a sentence of imprisonment for up to one year, a maximum fine of \$1,000, or both, for a second violation; and, for a third violation, provides only that the offender is guilty of a felony and that the court must order his or her driver's license revoked.)

MCL 257.625

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government. Costs of imprisonment and prosecution would depend on the following unknown factors:

1. The number of individuals, convicted under this bill.
2. The sentence imposed by the judge.

During FY 1987-88 342 individuals were convicted of drunk driving and the average cost of imprisonment per diem was \$35.00 per person. If the same number of

individuals were convicted and the judge imposed the minimum sentence (48 hrs.), the cost to the State would be \$23,940.

Fiscal Analyst: F. Sanchez

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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.