



HOUSE BILL No. 5672

June 22 1994 Introduced by Rep Jaye and referred to the Committee on Conservation Environment and Great Lakes

A bill to amend section 181 of Act No 303 of the Public Acts of 1967, entitled as amended

Marine safety act, '

as added by Act No 301 of the Public Acts of 1992, being section 281 1181 of the Michigan Compiled Laws and to add section 22a

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 181 of Act No 303 of the Public Acts of
2 1967 as added by Act No 301 of the Public Acts of 1992, being
3 section 281 1181 of the Michigan Compiled Laws, is amended and
4 section 22a is added to read as follows

5 SEC 22A IN ADDITION TO COMPLYING WITH SECTION 22, THE
6 DEPARTMENT SHALL DEVELOP AND PROVIDE A BOATING SAFETY EDUCATION
7 PROGRAM FOR PERSONS CONVICTED OF A VIOLATION OF SECTION 171 OR A
8 LOCAL ORDINANCE SUBSTANTIALLY COMPLYING WITH SECTION 171 THE
9 PROGRAM SHALL INCLUDE AT LEAST 1 PRESENTATION BY A VICTIM

1 ADVOCACY GROUP APPROVED BY THE DEPARTMENT THAT REPRESENTS THE
 2 INTERESTS OF MOTOR VEHICLE OR VESSEL ACCIDENT VICTIMS WHO WERE
 3 INJURED AS THE RESULT OF A VEHICLE OR VESSEL OPERATOR S USE OF
 4 INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE A PRESENTATION
 5 DESCRIBED IN THIS SECTION MAY BE PROVIDED THROUGH A VIDEO RECORD-
 6 ING OR OTHER MEDIUM

7 Sec 181 (1) Before accepting a plea of guilty or nolo
 8 contendere under sections 171 to 174, or a local ordinance sub-
 9 stantially corresponding to section 171(1), (2), or (3), the
 10 court shall advise the accused of the maximum possible term of
 11 imprisonment and the maximum possible fine that may be imposed
 12 for the violation, and shall advise the defendant that the maxi-
 13 mum possible sanctions that may be imposed will be based upon the
 14 boating record maintained by the secretary of state pursuant to
 15 section 39 or other evidence of a prior conviction as provided in
 16 section 174

17 (2) Before imposing sentence, other than court-ordered oper-
 18 ating sanctions for a violation of section 171(1), (3) (4), or
 19 (5) or a local ordinance substantially corresponding to section
 20 171(1) or (3), the court shall order the ~~person~~ INDIVIDUAL to
 21 ~~undergo~~ DO BOTH OF THE FOLLOWING

22 (A) UNDERGO screening and assessment by a person or agency
 23 designated by the office of substance abuse services to determine
 24 whether the ~~person~~ INDIVIDUAL is likely to benefit from reha-
 25 bilitative services, including alcohol or drug education or
 26 treatment programs

1 (B) COMPLETE A MARINE SAFETY EDUCATION COURSE DESCRIBED IN
2 SECTION 22A

3 (3) As part of the sentence FOR A VIOLATION DESCRIBED IN
4 THIS SECTION, the court may order the person to participate in
5 and successfully complete 1 or more appropriate rehabilitative
6 programs The person shall pay for the costs of the screening,
7 assessment, and rehabilitative services