

Senate Fiscal Agency  
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**SFA**

BILL ANALYSIS

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Senate Bills 852 and 853 (as introduced 1-27-98)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

Date Completed: 3-2-98

### **CONTENT**

**Senate Bills 852 and 853 would amend the Crime Victim's Rights Act and the Michigan Vehicle Code, respectively, to add to the Vehicle Code's drunk driving prohibitions the operation of a vehicle while the driver was impaired by or under the influence of a "chemical agent" and to include that offense in the Crime Victim's Rights Act's definition of "serious misdemeanor". Senate Bill 852 is tie-barred to Senate Bill 853.**

Senate Bill 853 would define "chemical agent" as that term is used in Public Act 119 of 1967. Under Public Act 119, "chemical agent" means any substance that contains a toxic chemical or organic solvent, or both, and that has the property of releasing toxic vapors. The term includes, but is not limited to, glue, acetone, toluene, carbon tetrachloride, hydrocarbons, hydrocarbon derivatives. (Public Act 119 prohibits the intentional smelling or inhaling of the fumes of any chemical agent or intentionally drinking, eating, or otherwise introducing any chemical agent into the respiratory or circulatory system, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system.)

#### **Senate Bill 852**

Article 3 of the Crime Victim's Rights Act outlines the rights of a victim of a "serious misdemeanor". Among the offenses included in the definition of "serious misdemeanor" is operating a vehicle while under the influence of, or impaired by, intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another person's property or physical injury or death to another individual.

The bill would add to that provision being impaired by or under the influence of a chemical agent, or any combination of intoxicating liquor, a controlled substance, or a chemical agent.

#### **Senate Bill 853**

Under the Michigan Vehicle Code, it is a misdemeanor for a person, whether licensed or not, to operate a vehicle on a highway or other place open to the general public or generally accessible to motor vehicles if any of the following applies:

- The driver is under the influence of intoxicating liquor, a controlled substance, or a combination of liquor and a controlled substance.
- The driver has an alcohol content of .1 gram or more per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine.
- The driver's ability to operate the vehicle is visibly impaired due to the consumption of

intoxicating liquor, a controlled substance, or a combination of liquor and a controlled substance.

It is also a misdemeanor for the owner of a vehicle or a person in charge or in control of a vehicle to authorize or knowingly permit the vehicle to be operated on a highway or other place open to the general public or generally accessible to motor vehicles by a person who is under the influence of intoxicating liquor, a controlled substance, or a combination of liquor and a controlled substance, or who has an alcohol content of .1 gram or more per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine.

Under the bill, those misdemeanors would apply to a person who was under the influence of, or impaired by, intoxicating liquor, a controlled substance, a chemical agent, or any combination of intoxicating liquor, a controlled substance, or a chemical agent.

The bill also would include reference to a chemical agent, along with intoxicating liquor and a controlled substance, in the Code's provisions for driver's license sanctions; consent to chemical breath analysis; admissibility of chemical analysis results as evidence; prior convictions for enhanced penalties for subsequent drunk driving convictions; arrest without a warrant for drunk driving; and court deadlines for processing drunk driving cases.

MCL 780.811 (S.B. 852)  
257.303 (S.B. 853)

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government.

There are no data currently available that would indicate how many more people might be convicted if chemical agents were added to drunk driving violations. However, State and local government could incur costs for incarceration and/or receive additional fine revenue based on the additional number of convictions under the proposed legislation. Further, the State could incur additional costs for technical computer programming costs to implement the program.

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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.