

**House Bill 5033**

**Sponsor: Rep. John Stakoe**

**Committee: Criminal Justice**

**Complete to 10-2-03**

## **A SUMMARY OF HOUSE BILL 5033 AS INTRODUCED 8-13-03**

The bill would amend the portion of the Liquor Control Code that prohibits the purchase, consumption, or possession of alcoholic liquor by minors (less than 21 years of age) to allow a court to order an offender to spend up to 90 days in jail.

Under current law, a first violation is a misdemeanor, subject to a fine of no more than \$100, and the possibility of being ordered to participate in a substance abuse prevention or treatment program, perform community service, and/or undergo substance abuse screening and assessment. Upon a second violation, the penalty is increased to a fine of not more than \$200, along with the other possible penalties. Upon a third or subsequent violation, the fine is increased to no more than \$500, along with the other possible penalties.

Further, under provisions of the Michigan Vehicle Code [MCL 257.319(7)], the secretary of state is required to suspend a violator's driver's license for two or more violations. For a second offense, a person's driver's license is suspended for 90 days, and a restricted license may be issued after 30 days. For a third or subsequent violation, a driver's license is suspended for one year, and a restricted license may be issued after 60 days.

House Bill 5033 would specify that, in addition, each violation would be subject to imprisonment for not more than 90 days. However, a court could not impose a term of imprisonment for a first offense unless it determined on the record that the minor failed to successfully complete any treatment, screening, or community service that had been ordered by the court or the minor failed to pay any court-ordered fine. The bill would take effect January 1, 2004.

MCL 436.1703

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.