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DRUNK DRIVING BLOOD ALCOHOL LEVELS AND PENALTIES

House Bills 4350 and 4351
Sponsor: Rep. Robert Gosselin
Committee: Transportation

Complete to 3-5-99

A SUMMARY OF HOUSE BILLS 4350 AND 4351 AS INTRODUCED 3-2-99

The bills would lower the body alcohol content level for drunk driving and amend the sentencing guidelines to reflect those lower body alcohol content level requirements. The bills are tie-barred to each other so that neither could become law unless the other also was enacted.

House Bill 4350 would amend six sections of the Michigan Vehicle Code (MCL 257.303 et al) to change the blood alcohol content standard from .10 grams to .08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

The new and lower .08 standard would apply in the provisions of the code that: 1) prohibit the secretary of state from issuing a license to a person who is an habitual violator of the criminal laws relating to operating a vehicle while impaired by or under the influence of intoxicating liquor; 2) prohibit a person from operating a vehicle under specified conditions; 3) prohibit the owner of a vehicle from knowingly permitting the vehicle's operation by a person who is under the influence of intoxicating liquor; 4) are applicable to chemical tests and analyses of a person's blood, urine, or breath; 5) describe when a person is considered to have given consent to chemical tests of his or her blood, breath, or urine; and 6) define "unlawful alcohol content."

In addition and in certain instances, the bill also would change the blood alcohol content standard from .07 to .05 grams per 100 milliliters of blood, 210 liters of breath, or per 67 milliliters of urine.

The new and lower .05 standard would apply in the provisions of the code that: 1) prohibit a person who is less than 21 years old from operating a vehicle if the person has any bodily alcohol content, where "any bodily alcohol content" means an alcohol content of not less than .02 grams or more than .05 grams; 2) are applicable to chemical tests and analyses of a person's blood, urine, or breath; 3) describe when a person is considered to have given consent to chemical tests of his or her blood, breath, or urine; and, 4) prohibit a person from operating a commercial motor vehicle.

House Bill 4351 would amend the Code of Criminal Procedure (MCL 777.48) to change the sentencing guideline for offense variable 18, which is entitled "operator ability affected by alcohol or drugs." Under this variable, there are five possible scenarios that are assigned 20, 15, 10, 5 or 0 points. House Bill 4351 would change the 10-point scenario to read "The offender

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operated a vehicle when his or her bodily alcohol content was .08 (currently .10) grams or more but less than .15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance." In addition, the bill would change the 5-point scenario to read "The operator operated a vehicle when his or her bodily alcohol content was .05 (currently .07) grams or more but less than .08 (currently .10) grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was visibly impaired by the use of intoxicating liquor and a controlled substance or a combination of intoxicating liquor and a controlled substance, or was less than 21 years of age and had any bodily alcohol content."

House Bill 4351 also would change one part of the definition for "any bodily alcohol content" to mean an alcohol content of not less than .02 grams or more than .05 (currently .07) grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

Analyst: J. Hunault

■ 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.