

Act No. 154
Public Acts of 2010
Approved by the Governor
September 2, 2010
Filed with the Secretary of State
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EFFECTIVE DATE: September 2, 2010

STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010

Introduced by Reps. Corriveau and Lipton

ENROLLED HOUSE BILL No. 5273

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 1084.

The People of the State of Michigan enact:

Sec. 1084. (1) A DWI/sobriety court interlock pilot project is created utilizing the DWI/sobriety courts in this state and in accordance with the provisions of this chapter. The DWI/sobriety court interlock pilot project shall begin on January 1, 2011 and shall continue for a period of 3 years after that date.

(2) All DWI/sobriety courts that participate in the DWI/sobriety court interlock pilot project shall comply with the 10 guiding principles of DWI courts as promulgated by the national center for DWI courts.

(3) In order to be considered for placement in the DWI/sobriety court program, an individual must have been convicted of either of the following:

(a) Two or more convictions for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(b) One conviction for violating section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a local ordinance of this state substantially corresponding to section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, preceded by 1 or more convictions for violating a local ordinance or law of another state substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or a law of the United States substantially corresponding to section 625(1), (3), or (6) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(4) Each year, all DWI/sobriety courts that participate in the DWI/sobriety court interlock pilot project, in cooperation with the state court administrative office, shall provide to the legislature, the secretary of state, and the supreme court documentation as to program participants' compliance with court ordered conditions. Best practices available shall be used in the research in question, as resources allow, so as to provide statistically reliable data as to the impact of the pilot project on public safety and the improvement of life conditions for program participants. The topics documented shall include, but not be limited to, all of the following:

(a) The percentage of those program participants ordered to place interlock devices on their vehicles who actually comply with the order.

(b) The percentage of program participants who remove court-ordered interlocks from their vehicles without court approval.

(c) The percentage of program participants who consume alcohol or controlled substances.

(d) The percentage of program participants found to have tampered with court-ordered interlocks.

(e) The percentage of program participants who operated a motor vehicle not equipped with an interlock.

(f) Relevant treatment information as to program participants.

(g) The percentage of program participants convicted of a new offense under section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(h) Any other information found to be relevant.

(5) Before the secretary of state issues a restricted license to a program participant under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304, the DWI/sobriety court judge shall certify to the secretary of state that the individual seeking the restricted license has been admitted into the DWI/sobriety court program and that an interlock device has been placed on each motor vehicle owned or operated, or both, by the individual.

(6) If any of the following occur, the DWI/sobriety court judge shall immediately inform the secretary of state of that occurrence:

(a) The court orders that a program participant be removed from the DWI/sobriety court pilot program before he or she successfully completes it.

(b) The court becomes aware that a program participant operates a motor vehicle that is not equipped with an interlock device or that a program participant tampers with, circumvents, or removes a court-ordered interlock device without prior court approval.

(c) A program participant is charged with a new violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(7) The receipt of notification by the secretary of state under subsection (6) shall result in summary revocation or suspension of the restricted license under section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304.

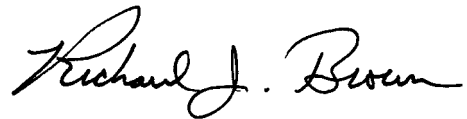
(8) As used in this section:

(a) "DWI/sobriety courts" means the specialized court programs established within judicial circuits and districts throughout this state that are designed to reduce recidivism among alcohol offenders and that comply with the 10 guiding principles of DWI courts as promulgated by the national center for DWI courts.

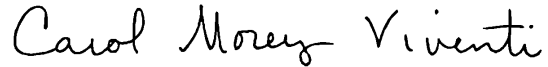
(b) "Ignition interlock device" means that term as defined in section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 795 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: Senate Bill No. 795, referred to in enacting section 1, was filed with the Secretary of State September 2, 2010, and became 2010 PA 155, Imd. Eff. Sept. 2, 2010.