



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4567 (Substitute H-2 as reported without amendment)  
House Bill 4568 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Eileen Kowall  
House Committee: Criminal Justice  
Senate Committee: Judiciary

## **CONTENT**

House Bill 4567 (H-2) would amend the Michigan Vehicle Code to double the maximum prison term for operating a motor vehicle while intoxicated or visibly impaired by alcohol or a controlled substance, causing the death or serious impairment of a body function of another person, if the offender had a bodily alcohol content (BAC) of 0.17 gram or more and committed the offense within seven years of a prior conviction. Also, as part of the sentence, the bill would allow vehicle forfeiture or require vehicle immobilization if the court did not order the vehicle to be forfeited.

Under the Code, a person who operates a motor vehicle under any of the following conditions and causes the death of another person, is guilty of a felony punishable by up to 15 years' imprisonment and/or a fine of not less than \$2,500 or more than \$10,000:

- He or she is intoxicated (i.e., is under the influence of alcohol, a controlled substance, and/or other intoxicating substance, or has a BAC of 0.08 or more).
- He or she is visibly impaired by alcohol, a controlled substance, and/or other intoxicating substance.
- He or she has in his or her body any amount of a Schedule 1 controlled substance or cocaine.

It is a felony, punishable by up to five years' imprisonment and/or a fine of not less than \$1,000 or more than \$5,000, if a violation described above causes a serious impairment of a body function of another person.

Under the bill, the maximum terms of imprisonment would be 20 years for causing a death and 10 years for causing a serious impairment, if the offender had a BAC of 0.17 gram or more and had a prior conviction within seven years.

(The Vehicle Code's definition of "prior conviction" includes a conviction for violating any of the Code's prohibitions against operating a motor vehicle or commercial vehicle while intoxicated or impaired by alcohol, a controlled substance, and/or other intoxicating substance, or with any bodily presence of a Schedule 1 controlled substance or cocaine; negligent homicide, manslaughter, or murder resulting from the operation of a vehicle, or an attempt to commit any of those crimes; a moving violation causing death or serious impairment of a body function; or reckless driving causing death or serious impairment of a body function.)

House Bill 4568 (H-2) would amend the Code of Criminal Procedure to include the felonies proposed by House Bill 4567 (H-2) in the sentencing guidelines. Operating a vehicle with a BAC of 0.17 gram or more, with a prior conviction, causing death would be a Class B felony

against a person, with a statutory maximum sentence of 20 years' imprisonment. Operating a vehicle with a BAC of 0.17 gram or more, with a prior conviction, causing serious impairment would be a Class D felony against a person, with a statutory maximum sentence of 10 years' imprisonment.

Both bills would take effect on April 1, 2014. House Bill 4568 (H-2) is tie-barred to House Bill 4567.

MCL 257.625 (H.B. 4567)  
777.12f (H.B. 4568)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

As described above, the bills would add language to the impaired driving provisions of the Michigan Vehicle Code and the Code of Criminal Procedure that would increase the maximum prison sentence for those convicted of operating a vehicle under the influence of alcohol, a controlled substance, or other intoxicating substance, resulting in death or bodily harm to another person. The additional sentence time for these offenses would cost the State approximately \$35,000 per prisoner per year.

Date Completed: 2-19-14

Fiscal Analyst: John Maxwell

Floor\hb4567

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.