

OPERATING WHILE INTOXICATED SET ASIDE

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Senate Bill 400 as passed by the Senate
Sponsor: Sen. Ed McBroom
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 5-10-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 400 would amend 1965 PA 213, which provides for setting aside certain criminal convictions, to require a person to wait at least five years after whichever of the following events occurs last before filing an application to set aside one operating while intoxicated offense:

- Imposition of the sentence for the conviction the applicant seeks to set aside.
- Completion of probation imposed for the conviction.
- If applicable, discharge from parole imposed for the conviction.
- Completion of any term of imprisonment imposed for the conviction.

The bill would take effect 180 days after its enactment.

The bill is tie-barred to House Bills 4219 and 4220, which means that it could not take effect unless both of those bills were also enacted. House Bills 4219 and 4220, which were passed by the House of Representatives, would allow a person to apply to have set aside, and allow a judge to set aside, a first violation operating while intoxicated offense. Certain violations, such as a drunk or drugged driving offense that caused the death or serious impairment of a bodily function of another person and any second or subsequent convictions for a drunk or drugged driving offense, would not be included in the offenses eligible to be set aside under the bills.

MCL 780.621d

FISCAL IMPACT:

A fiscal analysis is in progress.

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