

# Legislative Analysis



## SPECIALTY COURT IGNITION INTERLOCK PROGRAM

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 134 as reported from House committee**  
**Sponsor: Sen. Ruth Johnson**

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

**Senate Bill 135 as reported from House committee**  
**Sponsor: Sen. Kevin Hertel**

**House Committee: Criminal Justice**  
**Senate Committee: Civil Rights, Judiciary, and Public Safety**  
**Revised 6-27-23**

*(Enacted as Public Acts 124 and 125 of 2023)*

### SUMMARY:

**Senate Bill 134** would amend the Revised Judicature Act to expand the current DWI/Sobriety Court Interlock Program<sup>1</sup> into the Specialty Court Interlock Program. The expanded program would include other *specialty courts* in addition to DWI/sobriety courts, which would allow eligible participants in other certified specialty courts to have a vehicle they own or operate equipped with an ignition interlock device and to obtain a restricted driver license pertaining to that vehicle. (An ignition interlock device measures a driver’s alcohol concentration before the vehicle can be started.) The bill would replace several references to *DWI/sobriety court* with *specialty court* in provisions addressing the ignition interlock program.

*Specialty court* would mean a drug treatment court, a DWI/sobriety court, a hybrid of a drug treatment court and a DWI/sobriety court, a mental health court, or a veterans treatment court.

The bill would also prohibit a mental health court that is not certified to operate as a mental health court by the Supreme Court Administrative Office (SCAO) from certifying to the secretary of state that an individual is eligible to receive a restricted license under the ignition interlock program.

In addition, under current law, all DWI/sobriety courts that participate in the interlock program must comply with “The Ten Guiding Principles of DWI Courts” as published by the National Center for DWI Courts.<sup>2</sup> The bill would require all DWI/sobriety courts to comply with the guidelines. (Another provision of current law already requires all DWI/sobriety courts to comply with those guidelines.)

MCL 600.1084 and 600.1091

**Senate Bill 135** would amend the Michigan Vehicle Code to do all of the following:

- Apply the current definition of *specialty court program* to both that term and the term *specialty court*. (The current definition is the same as the one provided above.)

<sup>1</sup> <https://www.courts.michigan.gov/4ad93d/siteassets/court-administration/best-practices/psc/faqinterlock.pdf>

<sup>2</sup> [https://allrise.org/wp-content/uploads/2023/06/Guiding\\_Principles\\_of\\_DWI\\_Court.pdf](https://allrise.org/wp-content/uploads/2023/06/Guiding_Principles_of_DWI_Court.pdf)

- Define *specialty court interlock program* to mean the ignition interlock program proposed by SB 134.
- Replace references to “DWI/sobriety court program” with “specialty court program” and delete the current definitions of “DWI/sobriety court” and “DWI/sobriety court program.”
- Delete obsolete provisions pertaining to driver responsibility fees assessed for a conviction that led to a restricted license.

MCL 257.83 and 257.304

Neither bill can take effect unless both bills are enacted.

#### **FISCAL IMPACT:**

The bills would not have a significant fiscal impact on the Department of State (DOS), the state department responsible for administering the duties associated with the Breath Alcohol Ignition Interlock Device (BAIID) program. The expansion of the current program may result in additional participants in the BAIID program and marginally increased costs to DOS. These costs would be expected to be supported through DOS’s base ongoing appropriations. The elimination of provisions pertaining to driver responsibility fees under SB 135 would have no impact on DOS, as driver responsibility fees were phased out starting in 2018.

#### **POSITIONS:**

A representative of the Michigan Association of Treatment Court Professionals testified in support of the bills. (6-27-23)

The following entities indicated support for the bills (6-27-23):

- State Court Administrative Office
- State Bar of Michigan
- Prosecuting Attorneys Association of Michigan (PAAM)

Legislative Analyst: Susan Stutzky  
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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.