



Senate Fiscal Agency
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House Bill 4441 (as reported without amendment)
House Bill 4442 (Substitute S-1 as reported by the Committee of the Whole)
House Bill 4443 (Substitute H-1 as reported without amendment)
House Bill 4444 (as reported without amendment)
House Bill 4445 (Substitute H-3 as reported without amendment)
House Bill 4446 (as reported without amendment)
Sponsor: Representative Matt Lori (H.B. 4441 & 4442)
Representative Dave Pagel (H.B. 4443 & 4444)
Representative Andrew Kandrevas (H.B. 4445 & 4446)
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bills 4441, 4443 (H-1), and 4445 (H-3) would amend Parts 801 (Marine Safety), 821 (Snowmobiles), and 811 (Off-Road Recreation Vehicles), respectively, of the Natural Resources and Environmental Protection Act to revise provisions regarding operating violations involving the use of alcohol or a controlled substance. Specifically, the bills would do the following:

- Lower the bodily alcohol content limit from 0.10 gram to 0.08 gram.
- Refer to motorboats rather than vessels in provisions of Part 801 regarding operating violations.
- Prohibit a person from operating a motorboat, snowmobile, or off-road recreation vehicle (ORV) with any amount of certain controlled substances in his or her body.
- Prohibit a person younger than 21 from operating with any bodily alcohol content.
- Increase penalties for alcohol and controlled substance operating violations if a person younger than 16 were occupying the motorboat, snowmobile, or ORV.
- Revise the penalties for these operating violations.
- Eliminate certain presumptions regarding a defendant based on the results of a chemical analysis.
- Increase the mandatory operating ban for a person who refuses to submit to a chemical test.
- Provide for review of a final determination of the Secretary of State regarding an ORV operating ban.

House Bills 4442 (S-1), 4444, and 4446 would amend the Code of Criminal Procedure to revise the sentencing guidelines, to reflect the changes proposed by House Bills 4441, 4443 (H-1), and 4445 (H-3).

House Bill 4442 (S-1) is tie-barred to House Bills 4441, 4443, and 4445. House Bill 4444 is tie-barred to House Bill 4443. House Bill 4446 is tie-barred to House Bill 4445.

MCL 324.80101 et al. (H.B. 4441)
777.13g (H.B. 4442)
324.82101 et al. (H.B. 4443)
777.13g (H.B. 4444)

Legislative Analyst: Julie Cassidy

324.81101 et al. (H.B. 4445)
777.13g (H.B. 4446)

FISCAL IMPACT

The bills could result in a fiscal cost to State and local government. Under the current offense penalties, since 2009 there have been three felony sentences to prison out of a total of 10 convictions. Since the bills would add language to felony penalties regarding bodily alcohol content and controlled substances, it is unknown how many convictions would have qualified under the proposed criteria. If the revisions to the felony offenses resulted in an increase in total convictions, there could be an increase in incarceration costs to the State. Currently, for felony convictions, in the short term, the marginal cost to the State is approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to the State is approximately \$31,100 per additional prisoner per year. To the extent that the proposed revisions resulted in an increase in caseload, the costs to local courts and law enforcement could increase. An increase in fine revenue would benefit public libraries.

Date Completed: 12-15-14

Fiscal Analyst: John Maxwell

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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.