

Criminal Sentencing/Administrative Consequences of 2003 PA 61; EHB 4247 (Alcohol/Substance Abuse Convictions)

Effective 09/30/03, removes references to "intoxicating liquor" and adds new definition for "alcoholic liquor" under 257.1d. Adds 257.625(8) to Alcohol Audit. Provides a one-year suspension for a first implied consent refusal, and a two-year suspension for a second or subsequent implied consent refusal within seven years.

	Operating While Intoxicated §625(1) > .08 Until Oct. 1, 2013	Operating While Visibly Impaired §625(3)	OVPD Operating With Presence of Drugs 333.7212, 7214(a)(iv) §625(8)	Intoxicated/Impaired Death/Injury §625(4) & (5)	Zero Tolerance §625(6) – (.02 < .08) .08 Until Oct. 1, 2013	Child Endangerment §625(7) In violation of 625 (1), (3), (4), (5), or (8)	.04 - < .CDL §625m(1) – (.04 < .08) .08 Until Oct. 1, 2013
1st Offense (no prior 625 crime)	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1 or more of following: Up to 93 days jail; \$100-\$500 fine or; up to 360 hours comm svc.</p> <p>Licensing: 30/150 susp/rest 6 points Court-ordered Ignition Interlock permissive. 625(24)</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1 or more of following: Up to 93 days jail; \$300 fine or; up to 360 hours comm svc.</p> <p>Licensing: 90-day rest 180-day rest w/OWID 4 points</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1 or more of following: Up to 93 days jail; \$100-\$500 fine or; up to 360 hours comm svc.</p> <p>Licensing: 30/150 susp/rest 6 points Court-ordered Ignition Interlock permissive. 625(24)</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Death - prison up to 15 years OR \$2,500 - \$10,000 fine, or both. Injury - prison up to 5 years OR \$1,000 - \$5,000 fine OR both. Emer. Responder Death- prison up to 20 years OR \$2,500 to \$10,000 fine, or both.</p> <p>Licensing: minimum 1 year revocation/denial 6 points</p> <p>Plate conf: Required</p> <p>Immob: Required up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to \$250 fine OR up to 360 hours comm svc. or both.</p> <p>Licensing: 30 day rest. 4 points</p> <p>Plate conf: None</p> <p>Immob: None</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: 90/90 susp./rest. 6 points</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to \$300 fine OR up to 93 days jail, or both.</p> <p>Licensing: CDL - 1yr susp., OPR 90 day rest., HAZ - 3 yr susp. 0 points</p> <p>Plate conf: None</p> <p>Immob: Permissive up to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>
2nd Offense or any prior 625 crime within 7 years	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: minimum 1 year rev/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Death - prison up to 15 years OR \$2,500 - \$10,000 fine OR both. Injury - prison up to 5 years OR \$1,000 - \$5,000 fine OR both. Emergency Responder Death- prison up to 20 years OR \$2,500 to \$10,000 fine, or both.</p> <p>Licensing: minimum 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: One or more of the following: up to 60 days comm svc; up to \$500 fine; up to 93 days jail.</p> <p>Licensing: 90 day susp OR if prior §625 then minimum 1 year revocation/denial</p> <p>Plate conf: None</p> <p>Immob: None</p> <p>Reg Deny: None</p> <p>Forf: None</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: minimum 1 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days unless forfeited</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Misdemeanor</p> <p>Fine/Jail/Comm Svc: Up to \$1,000 fine OR up to 1-year prison, or both.</p> <p>Licensing: CDL - minimum 10yr rev, OPR 1yr rev/den.</p> <p>Plate conf: Required</p> <p>Immob: Required 90 to 180 days</p> <p>Reg Deny: None</p> <p>Forf: None</p>
3rd Offense or 2 prior 625 crimes within 10 years	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: minimum 1 to 5 year rev/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: min. 1 to 5 year rev/den</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm svc.</p> <p>Licensing: minimum 1 to 5 year rev/den</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: Death - prison up to 15 years OR \$2,500 - \$10,000 fine OR both. Injury - prison up to 5 years OR \$1,000 - \$5,000 fine OR both. Emer. Responder Death- prison up to 20 years OR \$2,500 to \$10,000 fine, or both.</p> <p>Licensing: minimum 1 to 5 year revocation/denial</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years unless forfeited</p> <p>Reg Deny: Required</p> <p>Forf: Permissive</p>	<p>Endangerment - Zero Tolerance w/occupant <16 Misdemeanor</p> <p>Fine/Jail/Comm Svc: 1st -One or more of the following: up to 60 days comm svc; up to \$500 fine; up to 93 days jail. 2nd - \$200 - \$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm svc.</p> <p>Licensing: 1st - 90/90 susp./rest. 2nd - revoke</p> <p>Plate conf: See 1st, 2nd offense</p> <p>Immob: See 1st & 2nd</p> <p>Reg Deny: None</p> <p>Forf: Permissive</p>	<p>Felony</p> <p>Fine/Jail/Comm Svc: \$500 - \$5,000 fine and either of the following: prison from 1 - 5 years; probation with 30 days to 1 year jail AND 60-180 days comm svc.</p> <p>Licensing: CDL - rev for LIFE--if prior approval, OPR- minimum 5 yr den/rev</p> <p>Plate conf: Required</p> <p>Immob: Required 1 to 3 years</p> <p>Reg Deny: Required</p> <p>Forf: None</p>	

PA 61 Changes in bold.

Revised October 15, 2003. Per an agreement with the Michigan Department of State, State Court Administrative Office, and the Prosecuting Attorney's Coordinating Council, crimes reported to the Department of State under MCL 257.625(1) will read, "Operating While Intoxicated." Crimes reported under MCL 257.625(3) will read "Operating While Impaired."