

HOUSE BILL No. 4084

January 31, 2001, Introduced by Reps. Gosselin, Bradstreet and Hager and referred to the Committee on Regulatory Reform.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 48 of chapter XVII (MCL 777.48), as amended by 2000 PA 279.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

Sec. 48. (1) Offense variable 18 is operator ability affected by alcohol or drugs. Score offense variable 18 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offender operated a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive when his or her bodily alcohol content was 0.20 grams or more per 100

1 milliliters of blood, per 210 liters of breath, or per
2 67 milliliters of urine..... 20 points

3 (b) The offender operated a vehicle, vessel, ORV,
4 snowmobile, aircraft, or locomotive when his or her
5 bodily alcohol content was 0.15 grams or more but less
6 than 0.20 grams per 100 milliliters of blood, per 210
7 liters of breath, or per 67 milliliters of urine..... 15 points

8 (c) The offender operated a vehicle, vessel, ORV,
9 snowmobile, aircraft, or locomotive when his or her
10 bodily alcohol content was ~~0.10~~ 0.08 grams or more
11 but less than 0.15 grams per 100 milliliters of blood,
12 per 210 liters of breath, or per 67 milliliters of
13 urine, or while he or she was under the influence of
14 intoxicating liquor or a controlled substance or a
15 combination of intoxicating liquor and a controlled
16 substance..... 10 points

17 (d) The offender operated a vehicle, vessel, ORV,
18 snowmobile, aircraft, or locomotive when his or her
19 bodily alcohol content was ~~0.07~~ 0.05 grams or more
20 but less than ~~0.10~~ 0.08 grams per 100 milliliters of
21 blood, per 210 liters of breath, or per 67 milliliters
22 of urine, or while he or she was visibly impaired by
23 the use of intoxicating liquor or a controlled sub-
24 stance or a combination of intoxicating liquor and a
25 controlled substance, or was less than 21 years of age
26 and had any bodily alcohol content..... 5 points

1 (e) The offender's ability to operate a vehicle,
2 vessel, ORV, snowmobile, aircraft, or locomotive was
3 not affected by an intoxicating liquor or a controlled
4 substance or a combination of intoxicating liquor and
5 a controlled substance..... 0 points

6 (2) As used in this section, "any bodily alcohol content"
7 means either of the following:

8 (a) An alcohol content of not less than 0.02 grams or more
9 than ~~0.07~~ 0.05 grams per 100 milliliters of blood, per 210
10 liters of breath, or per 67 milliliters of urine.

11 (b) Any presence of alcohol within an individual's body
12 resulting from the consumption of intoxicating liquor other than
13 the consumption of intoxicating liquor as part of a generally
14 recognized religious service or ceremony.

15 Enacting section 1. This amendatory act does not take
16 effect unless Senate Bill No. ___ or House Bill No. ___ (request
17 no. 00120'01) of the 91st Legislature is enacted into law.