

SENATE BILL NO. 718

January 15, 2020, Introduced by Senator MACGREGOR and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 625t (MCL 257.625t), as added by 2016 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 625t. (1) The department of state police may establish a
2 pilot program ~~in 5 counties~~ in this state for roadside drug testing
3 to determine whether an individual is operating a vehicle while
4 under the influence of a controlled substance in violation of
5 section 625.

1 (2) A pilot program established under this section shall be
2 for a period of 1 calendar year. The funding of a pilot program
3 established under this section is subject to appropriation.

4 ~~(3) Except as provided in subsection (8), the department of~~
5 ~~state police shall select 5 counties in which to implement a pilot~~
6 ~~program established under this section.~~

7 ~~(4) A county is eligible to participate in the pilot program~~
8 ~~if the county has a law enforcement agency within its boundary,~~
9 ~~including, but not limited to, a state police post, a sheriff's~~
10 ~~department, or a municipal police department, that employs not~~
11 ~~fewer than 1 law enforcement officer who is a certified drug~~
12 ~~recognition expert.~~

13 (3) ~~(5)~~—The department of state police shall develop a written
14 policy for the implementation of the pilot program and the
15 administration of roadside drug testing.

16 (4) ~~(6)~~—The department of state police may promulgate rules
17 under the administrative procedures act of 1969, 1969 PA 306, MCL
18 24.201 to 24.328, to implement a pilot program established under
19 this section.

20 (5) ~~(7)~~—Not more than 90 days after the conclusion of a pilot
21 program established under this section, the department of state
22 police shall submit a report to the legislative committees of the
23 senate and house of representatives with primary responsibility for
24 judicial and criminal justice issues. The report shall cover ~~all~~
25 **both** of the following:

26 ~~(a) How pilot program participant counties were selected.~~

27 (a) ~~(b)~~—The different types of law enforcement agencies in the
28 pilot program participant counties that engaged in roadside drug
29 testing.

1 **(b)** ~~(e)~~ Relevant statistical data, including, but not limited
2 to, the following:

3 (i) The number of traffic stops resulting in an arrest for
4 operating under the influence of a controlled substance in
5 violation of section 625 as a result of roadside drug testing by a
6 certified drug recognition expert.

7 (ii) The number and type of convictions resulting from an
8 arrest made based on the result of a roadside drug test by a
9 certified drug recognition expert.

10 ~~(8) Upon the conclusion of a pilot program established under
11 this section, the department of state police may, subject to
12 appropriation, establish additional pilot programs in eligible
13 counties not included among the 5 counties initially selected under
14 subsection (3). The duration of a pilot program established under
15 this subsection shall be for a period of 1 year.~~

16 **(6)** ~~(9)~~ As used in this section:

17 (a) "Certified drug recognition expert" means a law
18 enforcement officer trained to recognize impairment in a driver
19 under the influence of a controlled substance rather than, or in
20 addition to, alcohol.

21 (b) "Controlled substance" means that term as defined in
22 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.