

1998 PUBLIC AND LOCAL ACTS

[No. 357]

(HB 4576)

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 625b (MCL 257.625b), as amended by 1994 PA 450.

The People of the State of Michigan enact:

257.625b Arraignment of person arrested for misdemeanor violation; pretrial conference; advising accused of maximum penalty before acceptance of plea; screening, assessment, and rehabilitative services; action by secretary of state pending appeal.

[M.S.A. 9.2325(2)]

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1), (3), (6), or (7) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625m shall be arraigned on the citation, complaint, or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 625(1) or (3) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), or (7) or section 625m joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), or (7) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625m. The pretrial conference shall be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference shall be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1) or (3) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), or (7) or section 625m joined with a

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felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), or (7) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of section 625(1) or (3) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), or (7) or section 625m joined with a felony charge.

(4) Before accepting a plea of guilty or nolo contendere under section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), or (6), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state under section 204a.

(5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 625(1), (3), or (6), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation, or restricted license issued by the secretary of state pending the outcome of the appeal.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 1999.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) Senate Bill No. 268.
- (b) Senate Bill No. 269.
- (c) Senate Bill No. 625.
- (d) Senate Bill No. 627.

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- (e) Senate Bill No. 869.
- (f) Senate Bill No. 870.
- (g) Senate Bill No. 953.
- (h) House Bill No. 4210.
- (i) House Bill No. 4959.
- (j) House Bill No. 4960.
- (k) House Bill No. 4961.
- (l) House Bill No. 5122.
- (m) House Bill No. 5123.
- (n) House Bill No. 5951.
- (o) House Bill No. 5952.
- (p) House Bill No. 5953.
- (q) House Bill No. 5954.
- (r) House Bill No. 5955.
- (s) House Bill No. 5956.

Approved October 16, 1998.

Filed with Secretary of State October 16, 1998.

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 268 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 355, Eff. Oct. 1, 1999.
Senate Bill No. 269 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 345, Eff. Oct. 1, 1999.
Senate Bill No. 625 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 346, Eff. Oct. 1, 1999.
Senate Bill No. 627 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 347, Eff. Oct. 1, 1999.
Senate Bill No. 869 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 348, Eff. Oct. 1, 1999.
Senate Bill No. 870 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 350, Eff. Oct. 1, 1999.
Senate Bill No. 953 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 351, Eff. Oct. 1, 1999.
House Bill No. 4210 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 340, Eff. Oct. 1, 1999.
House Bill No. 4959 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 349, Eff. Oct. 1, 1999.
House Bill No. 4960 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 359, Eff. Oct. 1, 1999.
House Bill No. 4961 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 358, Eff. Oct. 1, 1999.
House Bill No. 5122 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 342, Eff. Oct. 1, 1999.
House Bill No. 5123 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 341, Eff. Oct. 1, 1999.
House Bill No. 5951 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 356, Eff. Oct. 1, 1999.
House Bill No. 5952 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 343, Eff. Oct. 1, 1999.
House Bill No. 5953 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 344, Eff. Oct. 1, 1999.
House Bill No. 5954 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 352, Eff. Oct. 1, 1999.
House Bill No. 5955 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 353, Eff. Oct. 1, 1999.
House Bill No. 5956 was filed with the Secretary of State October 16, 1998, and became P.A. 1998, No. 354, Eff. Oct. 1, 1999.
