Underage Drinking & Driving:
Effective District Court Responses
Seminar & Webcast

Michigan Judicial Institute
Michigan Hall of Justice
December 7, 2004

Reference Material

12/04 Michigan Judicial Institute, P.O. Box 30205, Lansing, MI 48909, http://courts.michigan.gov/mji.htm

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Act No. 63
Public Acts of 2004
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STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004

Introduced by Senators George, Kuipers, Patterson, Garcia, Birkholz, Cropsey, McManus, Jelinek and Schauer

ENROLLED SENATE BILL No. 637

AN ACT to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

The People of the State of Michigan enact:

Sec. 703. (1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor punishable by the following fines and sanctions and is not subject to the penalties prescribed in section 909:

(a) For the first violation a fine of not more than $100.00, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(b) For a violation of this subsection following a prior conviction or juvenile adjudication for a violation of this subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than $200.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(c) For a violation of this subsection following 2 or more prior convictions or juvenile adjudications for a violation of this subsection, section 33b(1) of former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this

subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, by imprisonment for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than $500.00, or both, and may be ordered to participate in substance abuse prevention services or substance abuse treatment and rehabilitation services as defined in section 6107 of the public health code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (4).

(2) A person who furnishes fraudulent identification to a minor, or notwithstanding subsection (1) a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(3) When an individual who has not previously been convicted of or received a juvenile adjudication for a violation of subsection (1) pleads guilty to a violation of subsection (1) or offers a plea of admission in a juvenile delinquency proceeding for a violation of subsection (1), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that include, but are not limited to, the sanctions set forth in subsection (1)(a), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions or juvenile adjudications under subsection (1)(b) and (c). There may be only 1 discharge or dismissal under this subsection as to an individual. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. This record shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, upon the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(*i*) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(*ii*) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) The court may order the person convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(5) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (1) or (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(6) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A minor who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $100.00.

(7) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1

to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(8) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(9) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(10) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(11) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(12) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(13) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 801(2), or section 701(1).

(14) In a criminal prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

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

(a) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

Enacting section 1. This amendatory act takes effect September 1, 2004.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5120 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gary E Randall

Clerk of the House of Representatives

Approved _____

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Governor

PROCESSING CIRCUIT AND DISTRICT COURT CASES UNDER DEFERRED SENTENCE VS. DELAYED SENTENCE

The difference between a deferred sentence and a delayed sentence is that with a deferred sentence, although a plea may be taken, an adjudication of guilt is not entered at that time, but rather, is deferred until either successful completion of probation or violation occurs. A delayed sentence requires an adjudication of guilt to be entered by the court at the time a plea is taken.

Both deferred and delayed sentences are reported on Caseload Part 2 as disposed by guilty plea, jury verdict, or bench verdict. They are not reported again at final disposition. They are reported disposed on Caseload Part 4 as disposed.

Statute	Monetary Assessments	Non-Public Record Status	Reporting Requirements
MCL 436.1703 MIP effective 9/1/04 Deferred Sentence – Adjudication of guilt/responsibility is not entered.	Fines – Yes Costs – Yes Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs - Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions.[1]	The entire file becomes a non-public record ***while proceedings are deferred and the individual is on probation***. The entire file includes recordings of court proceedings and transcripts. The record becomes public upon conviction or dismissal. [2]	Report deferred status as 1360R to SOS when deferred status granted and defendant is placed on probation. Include sentencing information for the Drunk Driving Audit. Report final disposition for either conviction or dismissal to SOS at disposition.
MCL 600.1070(b)(i) **Drug Court legislation eff. 1/1/05** Deferred Sentence – Adjudication of guilt/responsibility is not entered. Applicable to those individuals who pled guilty to an offense that is not a traffic offense and who may be eligible for discharge and dismissal upon successful completion of the drug treatment court program. *Drug Court legislation may be applicable under MCL 762.13 HYTA, MCL 333.7411, MCL 769.4a Domestic Violence, MCL 750.350a Parental Kidnapping, and MCL 750.430 Licensed Health Care Professional Practicing Under the Influence deferrals	**During pendency of deferral:** Fines – Yes Costs – Yes Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees– Yes District Court Probation Oversight Costs - Yes Crime Victim Rights – Yes for all felony convictions, or if a Specified or Serious Misdemeanor. Drug Treatment Court Fee – Yes Costs of Treatment and Program Services – Yes Bond shall be applied to monetary sanctions.[1] If deferral fails and conviction is entered see footnote 9 for applicable assessments.	Drug Court participation and treatment information becomes a non-public record ***after the order of discharge or dismissal is entered***. The entire file includes recordings of court proceedings and transcripts. .Any statement or other information obtained as a result of participating in a preadmission screening and evaluation assessment under subsection (3) is confidential and is exempt from disclosure under the freedom of information act and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use. [MCL 600.1064(4)][3]	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.

Statute	Monetary Assessments	Non-Public Record Status	Reporting Requirements
MCL 600.1070(b)(ii) **Drug Court legislation eff. 1/1/05** Delayed Sentence – Adjudication of guilt/responsibility is entered. Applicable to those individuals who pled guilty to a traffic offense or an offense who may not be eligible for discharge and dismissal upon successful completion of the drug treatment court. *Drug Court legislation may be applicable under MCL 762.13 HYTA, MCL 333.7411, MCL 769.4a Domestic Violence, MCL 750.350a Parental Kidnapping, and MCL 750.430 Licensed Health Care Professional Practicing Under the Influence deferrals	Fines – Yes Costs – Yes Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees– Yes District Court Probation Oversight Costs - Yes Crime Victim Rights – Yes for all felony convictions, or if a Specified or Serious Misdemeanor. Drug Treatment Court Fee – Yes Costs of Treatment and Program Services – Yes Bond shall be applied to monetary sanctions.[1]	The entire file ***remains public at all times.*** The entire file includes recordings of court proceedings and transcripts. Any statement or other information obtained as a result of participating in a preadmission screening and evaluation is confidential and is exempt from disclosure under the freedom of information act and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use. [MCL 600.1064(4)]	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.
MCL 762.13 HYTA Deferred Sentence – Adjudication of guilt/responsibility is not entered.	**During pendency of deferral:** Fines – No Costs – Limited[10] Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs - Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions.[1] If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record ***upon the decision by the court to apply HYTA*** status to the case and until such time (if any) when the case loses its HYTA status. The entire file includes recordings of court proceedings and transcripts [4]	Report deferred status on MC 242 or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.
MCL 333.7411 Controlled Substance Deferred Sentence – Adjudication of guilt/responsibility is not entered.	**During pendency of deferral:** Fines – No Costs – Limited[10] Minimum State Cost – Yes(if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs - No Crime Victim Rights – No Bond shall be applied to monetary sanctions.[1] If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record ***after the order of discharge from probation is entered***. The entire file includes recordings of court proceedings and transcripts. [5]	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.

Statute	Monetary Assessments	Non-Public Record Status	Reporting Requirements
MCL 769.4a Domestic Violence Deferred Sentence – Adjudication of guilt/responsibility is not entered.	**During pendency of deferral:** Fines – No Costs – Limited[10] Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs - Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions. [1] If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record ***after the order of discharge from probation is entered***. The entire file includes recordings of court proceedings and transcripts. [6]	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.
MCL 750.350a Parental Kidnapping Deferred Sentence – Adjudication of guilt/responsibility is not entered.	**During pendency of deferral:** Fines – No Costs – Limited[10] Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs – N/A Crime Victim Rights – No Bond shall be applied to monetary sanctions.[1] If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record ***after the order of discharge from probation is entered***. The entire file includes recordings of court proceedings and transcripts. [7]	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP.
MCL 750.430 Licensed Health Care Professional Practicing Under the Influence Deferred Sentence – Adjudication of guilt/responsibility is not entered.	**During pendency of deferral:** Fines – No Costs – Limited[10] Minimum State Cost – Yes(if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs -Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions.[1] If deferral fails and conviction is entered see footnote 9 for applicable assessments.	The entire file becomes a non-public record ***after the order of discharge from probation is entered***. The entire file includes recordings of court proceedings and transcripts. [8]	Report deferred status on DC 243 or CC 243a or electronically to MSP. Report final disposition for either conviction or dismissal to MSP

Statute	Monetary Assessments	Non-Public Record Status	Reporting Requirements
MCL 771.1 **Delayed Sentence** Adjudication of guilt/responsibility is entered.	**During pendency of delay:** Fines – No Costs – Limited[10] Minimum State Cost – Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) Circuit Court Probation Supervision Fees – Yes District Court Probation Oversight Costs -Yes Crime Victim Rights – No Bond shall be applied to monetary sanctions.[1] If conviction is entered see footnote 9 for applicable assessments.	The entire file ***remains public at all times***.	Report conviction on MC 219, CC 219a, DC 243, or CC 243a, or electronically to MSP. Report dismissal to MSP if entered. *If conviction is not entered* and reported to MSP the court must report the case on its Speedy Trial Report during the delayed period.

1. Any bond posted in the defendant's name shall be applied to fines and costs. Any bond posted in another's name shall be returned. [MCR 6.106(I)]

2. The non-public record shall be furnished to any of the following: (a) to a court, prosecutor, or police agency upon request for the purpose of determining if an individual has already utilized the subsection and, (b) to the department of corrections, a prosecutor, or a law enforcement agency, upon request, subject to the following conditions: (i) at the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency, (ii) the record is used by the department of corrections, the prosecutor, or the law enforcement agency ***only*** to determine whether an employee has violated his or her conditions of employment or whether an applicant meets the criteria for employment. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

3. The non-public record shall be open to the courts of this state, another state, or the United States, the department of corrections, law enforcement personnel, and prosecutors ***only*** for use in the performance of their duties or to determine whether an employee of the court, department, law enforcement agency, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, department, law enforcement agency, or prosecutor's office. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

4. The non-public record shall be open to the courts of this state, the department of corrections, the Family Independence Agency, law enforcement personnel, and **beginning January 1, 2005, prosecuting attorneys**, ***only*** for use in the performance of their duties. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

5. The non-public record shall be furnished to any of the following: (a) a court or a police agency upon request ***only*** for the purpose of determining if an individual has already utilized the statute/section and, (b) to the state department of corrections or a law enforcement agency, upon the department's or law enforcement agency's request, subject to all of the following conditions: (i) At the time of the

request, the individual is an employee of the department or the law enforcement agency or an applicant for employment with the department or the law enforcement agency, (ii) if the individual is an employee of the department or the law enforcement agency, the date on which the court placed the individual on probation occurred after the effective date of the 2002 amendatory act that added this subdivision, and (iii) the record shall be used by the department of corrections or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

Beginning January 1, 2005, the non-public record shall be furnished: (a) to a court, police agency, or prosecutor upon request for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court pursuant to MCL 600.1076, and (b) to the state department of corrections , a law enforcement agency, a court, or the office of a prosecuting attorney upon request of the department, law enforcement agency, court, or office of a prosecuting attorney, subject to all of the following conditions: (i) at the time of the request, the individual is an employee of the department, law enforcement agency, court, or office of prosecuting attorney or an applicant for employment with the department , law enforcement agency, court, or office of prosecuting attorney, (ii) if the individual is an employee of the department, law enforcement agency, court, or prosecuting attorney, the date on which the court placed the individual on probation occurred after March 25, 2002, and (iii) the record shall be used by the department of corrections, law enforcement agency, court, or prosecuting attorney ***only*** to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

6. The non-public record shall be furnished to a court or police agency upon request ***only*** for the purpose of showing that a defendant in a criminal action under MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of that act has already once availed himself or herself of the section. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

Beginning January 1, 2005, the non-public record shall be furnished to a court or police agency upon request, or to an office of prosecuting attorney ***only*** for the purpose of showing that a defendant in a criminal action under MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of that act has already once availed himself or herself of this section or for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

7. The non-public record shall be furnished to a court or police agency upon request for the purpose of showing that a defendant in a criminal action has already availed himself or herself of this subsection. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]

Beginning January 1, 2005, The non-public record shall be furnished to either or both of the following: (a) to a court or police agency upon request ***only*** for the purpose of showing that a defendant in a criminal action has already availed himself or herself of this subsection, and (b) to a court, police agency, or prosecutor upon request ***only*** for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)] . A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

8. The non-public record shall only be furnished to a court or police agency upon request ***only*** for the purpose of showing whether the individual accused of violating this section has already once utilized this subdivision. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the

CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]
Beginning January 1, 2005, the non-public record shall only be furnished to either or both of the following: (a) to a court or police agency upon request ***only*** for the purpose of showing whether the individual accused of violating this section has already once utilized this subdivision, and (b) to a court, police agency, or prosecutor upon request ***only*** for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under MCL 600.1076. The non-public record shall also be open for use by the Department of Defense, the Department of State, the Department of Transportations, the Office of Personnel Management, the CIA and the FBI ***only*** for the purpose of determining eligibility for: (a) access to classified information, (b) assignment to or retention in sensitive national security duties, (c) acceptance or retention in the armed forces, and (d) appointment, retention, or assignment to a position of public trust or a critical or sensitive position while either employed by the government or performing a government contract. [5 USCS 9101(a) and (b)]. A defendant shall be allowed access to his or her court file even if it is being maintained as a non-public record.

9. **Fines** – Yes **Costs** – Yes **Minimum State Cost -** Yes (if any combination of fines, costs, assessments are ordered; otherwise, optional) **Circuit Court Probation Supervision Fees**– Yes **District Court Probation Oversight Costs** (if applicable) – Yes **Crime Victim Rights** – Yes for all felony convictions, or if a Specified or Serious Misdemeanor **Drug Treatment Court Fee** (if applicable) – Yes **Costs of Treatment and Program Services** (if applicable) – Yes

10. Costs are limited to the expenses specifically incurred in prosecuting the defendant or providing legal assistance to the defendant and supervision of the probationer.

E:\CRIMINAL\Deferred Sentence\FAQ chart on fines costs assessments final.doc

MINOR IN POSSESSION OF ALCOHOL & INTOXICANTS IN A MOTOR VEHICLE

E:\Minor In Possession of Alcohol\Chart 9-04.doc	Minor Possess Alcohol MCL 436.1703(1)	Transport/Possess Open Alcohol in Motor Vehicle MCL 257.624a	Minor Transport/Possess Alcohol in Motor Vehicle MCL 257.624b
Public Act and Effective Date	2004 PA 63, 9-1-04	1996 PA 493, 4-1-97	1996 PA 493, 4-1-97
Original Jurisdiction	District, Municipal, and Family Division/Circuit Courts	District, Municipal, and and Family Division/Circuit Courts	District, Municipal, and and Family Division/Circuit Courts
Magistrate Authority to Accept Guilty Plea and Sentence	Yes, MCL 600.8511(a)(*ix*)	Yes, MCL 600.8511(a)(*i*)	Yes, MCL 600.8511(a)(*i*)
Case Type Code	District: SM, OM Family: DL	District: ST, OT Family: TL	District: ST, OT Family: TL
Violation Type Jail Penalty	Misdemeanor 2nd offense; 30 days[1] 3rd or subsequent offense; 60 days[1]	Misdemeanor 90 Days Maximum	Misdemeanor 90 Days Maximum
Penal Fine	1st: Maximum $100 2nd: Maximum $200 3rd: Maximum $500	Maximum $100.00	Maximum $100.00
Eligibility for Deferred Sentence	Yes, if no prior convictions	No	No
Offenses for which consideration is given for prior convictions	436.1703(1) (and former 436.33b) or substantially corresponding local ordinance	257.624a or 624b or substantially corresponding local ordinance	257.624a or 624b or substantially corresponding local ordinance
Vehicle Impoundment	No reference	No reference	15-30 days
License Suspension (Including substantially corresponding local ordinances)	Imposed by SOS: 2nd: 90-180 days 3rd: 180 days - 1 year	Imposed by SOS: 2nd: 90-180 days 3rd: 180 days - 1 year	Imposed by SOS: 2nd: 90-180 days 3rd: 180 days - 1 year
License Restriction	2nd: after 30 days	2nd: after 30 days	2nd: after 30 days

1 Only if minor has been found to have violated an order of probation, failed to successfully complete any treatment, screening, or community service, of failed to pay any fine.

E:\Minor In Possession of Alcohol\Chart 9-04.doc	Minor Possess Alcohol MCL 436.1703(1)	Transport/Possess Open Alcohol in Motor Vehicle MCL 257.624a	Minor Transport/Possess Alcohol in Motor Vehicle MCL 257.624b
	3rd: after 60 days	3rd: after 60 days	3rd: after 60 days
Abstract	SOS Code: 1360 Deferred: 1360R 0 points	SOS Codes: 1300, 1300A Driver 2 points 1306, 1306A Passenger 2 points	SOS Codes: 1307, 1307A Driver 2 points 1308, 1308A Passenger 2 points
Fail to Appear in Court (FAC) Procedure	7-Day Notice.	7-Day Notice.	7-Day Notice.
Fail to Comply with Judgment (FCJ) Procedure	14-Day Notice.	14-Day Notice.	14-Day Notice.
Reinstatement Fee	$125 at SOS for suspension as a result of conviction. $45 at Court for FAC/FCJ	$125 at SOS for suspension as a result of conviction. $45 at Court for FAC/FCJ	$125 at SOS for suspension as a result of conviction. $45 at Court for FAC/FCJ
Alcohol Screening and Assessment	Permitted	Permitted	Permitted
Substance Abuse Treatment	Permitted	No reference	No reference
Community Service	Permitted	Permitted	Permitted
Plea Bargain	No reference	Prohibited from 257.625(6)	No reference
Drunk Driving Caseflow Management Fund Reimbursement	Not Included	Not Included	Not Included
MSP Drunk Driving Audit	Included; report all dispositions 436.1703(2) also included	No reference	No reference
Access to Record	Public at Court & SOS if conviction entered. Non-Public in Court while on probation with deferred sentence. Non-Public at SOS during deferment and if discharged and dismissed.	Public at all times	Public at all times

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John D. Ferry, Jr., State Court Administrator

M E M O R A N D U M

DATE: **April 16, 2004**

TO: **Family Division, District and Municipal Court Judges**
cc: Court Administrators, Magistrates, Clerks, Registers, Probation Officers

FROM: **Nial Raaen, Director**

SUBJ: **2004 PA 63, Liquor Control Code**

2004 Public Act 63, ESB 637, has been signed by the Governor and takes effect September 1, 2004. The act amends the Michigan Liquor Control Code, MCL 436.1703, and provides for jail time under certain circumstances, changes in abstracting violations to the Department of State, and deferred judgment and non-public record status.

When a person who has not previously been convicted of or received a juvenile adjudication for a violation of this section pleads guilty or offers a plea of admission in a juvenile delinquency proceeding for a violation of this section on or after September 1, 2004, the court, without entering a judgment of guilt or a determination that the juvenile has committed the offense, and with the consent of the accused, may defer further proceedings and must place the individual on probation.

Probation terms and conditions include, but are not limited, to sanctions found in MCL 436.1703, payment of costs including $40 minimum state cost pursuant to MCL 769.1j, and payment of probation oversight costs. The court may not assess a fine. While proceedings are deferred and the individual is on probation the court shall maintain a nonpublic record of the matter. The court shall abstract the plea and deferred sentence status to the Department of State (DOS) which shall keep the record in non-public status.

The court shall discharge the individual and dismiss proceedings upon fulfillment of the terms and conditions of probation. There may be only onr discharge or dismissal for an individual. Upon a violation of a term or condition of probation or a finding that the individual is utilizing a deferment or dismissal in another court, the court may enter an adjudication of guilt or a determination in a juvenile delinquency proceeding that the individual has committed the offense and proceed as otherwise provided law.

The DOS must retain a nonpublic record of the plea and any subsequent dismissal. If the court revokes probation and enters a judgment of guilt, the court must abstract the conviction to DOS. Further information regarding abstracts to DOS will come from that agency.

For a violation of this section of law or a substantially corresponding local ordinance following a prior conviction, and where the present offense occurred on or after September 1, 2004, the court may order imprisonment for not more than 30 days if the individual has been found by the court to have:

- violated an order of probation,
- failed to successfully complete any treatment, screening, or community service ordered by the court, or
- failed to pay any fine.

For a violation of this section of law or a substantially corresponding local ordinance following two or more prior convictions, and where the present offense occurred on or after September 1, 2004, the court may order imprisonment for not more than 60 days if the individual has been found by the court to have:

- violated an order of probation,
- failed to successfully complete any treatment, screening, or community service ordered by the court, or
- failed to pay any fine.

The new act includes having any bodily alcohol content as an element of the offense, and provides for an affirmative defense for a violation concerning having any bodily alcohol content if the minor consumed the alcoholic liquor in a venue or location where that consumption was legal.

The public act is available at: http://www.michiganlegislature.org/documents/2003-2004/billenrolled/senate/pdf/2003-SNB-0637.pdf

For further information, contact Sandi Hartnell (517-373-0122 or hartnells@courts.mi.gov) or Peggy Leece, DOS, 810-760-2961, LeeceP@michigan.gov .

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John D. Ferry, Jr., State Court Administrator

M E M O R A N D U M

DATE: **August 20, 2004**

TO: **District, Family and Municipal Court Judges**

FROM: **Nial Raaen, Director**

SUBJ: **2004 PA 63, Minor Purchase, Consume or Possess Alcohol – Deferred Sentence**

2004 Public Act 63 takes effect September 1, 2004. The Act provides for jail time under certain circumstances, changes in abstracting violations to the Department of State (DOS), deferred judgment, and non-public record status during the deferred period.

Several implementation questions have arisen since the act was signed into law in April 2004, and our initial April 16, 2004 memorandum. Those questions and answers are:

1. **What date controls the eligibility for deferred sentence?**
   The date of the plea must be on or after September 1, 2004, regardless of the date of offense.

2. **What date controls the eligibility for jail time for probation violation, failure to pay a fine, or failure to successfully complete treatment, screening, or community service?**
   The date of the offense must be on or after September 1, 2004, and the conviction must be a second or subsequent conviction.

3. **Are local ordinance violations eligible for jail time under item #2?**
   Yes. [MCL 436.1703(a)(b) and (c)]

4. **May a fine be assessed?**
   Yes. MCL 436.1703(3) references back to "fines and sanctions" in 436.1703(1)(a). This is a correction to our April 16, 2004 memorandum.

5. **May court costs be assessed?**
   Yes. MCL 436.1703(3) "...payment of the costs including minimum state cost..."

6. **Must the state minimum cost be assessed?**
   Yes, if the court assesses a combination (two or more) of other assessments. A fine plus any costs and/or probation supervision costs would require state minimum cost. [MCL 436.1703(3) and 769.1j]

7. **Is a Crime Victim Rights assessment required?**
   No. Violations of 436.1703 are not included in the definitions of serious misdemeanor or specified misdemeanor. [MCL 780.811 and 780.901]

8. **May supervision fees be assessed?**
   Yes. MCL 436.1702(3) discusses "the costs of probation." Authority for cost of probation supervision is in this section and in MCL 771.3(6).

9. **Should bond be continued during probation?**
   No. Bond under MCR 6.106 is a pre-trial release bond for appearance at hearings and trial. Pursuant to MCR 6.106(I)(1) and (3), bond posted in the defendant's name should be applied to any fines and costs assessed. If bond posted is in the name of a third party it should be returned.

10. **Must the plea and deferred status be abstracted to DOS?**
    Yes. The plea and deferred sentence status must be reported to the DOS pursuant to 2004 PA 62. [MCL 257.732(5)]

11. **Must license sanctions be ordered?**
    No. Only DOS has authority to impose license sanctions for this offense, and only upon a second or subsequent conviction. Therefore, a defendant could have one deferment with dismissal, followed by one conviction, followed by a third violation, which would be treated as a second conviction, at which time license sanctions would be imposed. [MCL 257.319(7)]

12. **How does the court abstract a deferment to DOS?**
    SCAO distributed an August 3, 2004 memorandum from DOS on August 6, 2004, on this subject.

    DOS has created a new offense code 1360R to report a deferred sentence. A "P" is required in the trial field.
    - If probation is successful and the case is dismissed, the court must submit a subsequent dismissal abstract for offense code 1360. Dismissal code "M" for Merit Dismissal should be added for purposes of the Drunk Driving Audit. The adjudication date on the abstract is changed to the date the dismissal is entered.
    - If probation is unsuccessful, the court must submit a subsequent conviction abstract for offense code 1360. The adjudication date on the abstract is changed to the date the conviction is entered.

13. What period of time is the deferred sentence record non-public?

- The court record is non-public only while the proceedings are deferred and the defendant is on probation. At the conclusion of probation, whether the case is dismissed or a conviction is entered, the case becomes a public record.
- The DOS record is non-public while the proceedings are deferred and the defendant is on probation and continues as non-public if the case is dismissed. If the court enters a conviction for violation of a term or condition of probation, or for obtaining another deferment in another court, the record would become public. [MCL 436.1703(3)]

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John D. Ferry, Jr., State Court Administrator

M E M O R A N D U M

DATE: **September 24, 2004**

TO: **Family, District and Municipal Court Judges**
cc: Court Administrators, Clerks, Juvenile Registers

FROM: **Nial Raaen, Director**

SUBJ: **Deferred Sentence, Minor in Possession of Alcohol, 2004 Public Act 63**

It has come to our attention that clarification is necessary regarding when a person is eligible for a deferred sentence for a violation of Minor in Possession of Alcohol, MCL 436.1703(3) as amended by 2004 Public Act 63.

Eligibility for a deferred sentence is based on the date the court accepts a plea of guilty or is offered a plea of admission in a juvenile delinquency proceeding. This date must have occurred on or after September 1, 2004. No person who admitted or pled guilty prior to September 1, 2004, may have the conviction/admission removed from their Department of State driver record and replaced with a deferred sentence.

STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: August 6, 2004

TO: All Court Vendors

FROM: Michigan Department of State

SUBJECT: Public Act 63, Michigan Liquor Control Code - MIP Deferral Program

Effective September 1, 2004, Public Act 63 allows a person to have one deferment if placed under probation. Therefore, when a minor who has not previously been convicted of or received a juvenile adjudication for a violation of this section pleads guilty or offers a plea of admission in a juvenile delinquency proceeding for a violation of this section on or after September 1, 2004, the court, without entering a judgment of guilt or a determination that the juvenile has committed the offense, and with the consent of the accused, may *defer* further proceedings and must place the individual on probation. While proceedings are deferred and the person is on probation, the court shall maintain a nonpublic record of the matter. The court *shall abstract the plea and deferred sentence status to the Department of State (DOS)*, who shall keep the record in non-public status.

Since the Department of State shall record the *deferred* MIP offense, programming for the courts and the Department of State will be required to accept new code **1360R** in the "Offense Code" field on the abstract. A "P" is required in the "Trial" field on the abstract when sending in the deferral.

If the person is found guilty without deferment, offense code of 1360 will continue to be used and licensing sanctions will be applied if appropriate. If there is already one prior minor in possession conviction (1360) on the driving record and the court sends in a deferred abstract, the deferred abstract will be returned to the courts with instructions advising them to resubmit either a conviction or a dismissal abstract. If a dismissal abstract is being sent, the A (acquittal), M (Merit dismissed), or N (nolo pros), must be used in the "Trial" field on the abstract and a reason why the case is being dismissal must be placed in the "Comment" field on the abstract.

If you have any questions, please call Peggy Leece 810-760-2961or Sandy Aguirre 517-636-0129.

STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: **September 21, 2004**

TO: **District, Family and Municipal Court Judges**

FROM: **Sandy Aguirre, Court Liaison, Michigan Department of State**

SUBJECT: **Abstract Procedures for MIP Deferral Program – Public Act 63, Michigan Liquor Control Code**

Effective September 1, 2004, Public Act 63 allows a person to have a one-time MIP deferment *if placed under probation*. Therefore, when a minor who has not previously been convicted of or received a juvenile adjudication for a violation of this section pleads guilty or offers a plea of admission in a juvenile delinquency proceeding for a violation of this section on or after September 1, 2004, the court, without entering a judgment of guilt or a determination that the juvenile has committed the offense, and with the consent of the accused, may defer further proceedings and must place the individual on probation. While proceedings are deferred and the person is on probation, the court shall maintain a non-public record of the matter. The court shall abstract the plea and deferred sentence status to the Department of State (DOS), who shall keep the record in non-public status.

Abstracting an MIP Deferment

Always check the driving record for any prior MIP violations and then complete an abstract as is current practice with the following changes:

- Use offense code "1360R" *(courts whose programming is not in place to accept more than 4 digits in the offense code field must submit a manual abstract)*
- A "P" is required in the "Trial" field on the abstract when sending in the deferral

Note: Ineligible MIP Deferment Notification to the Courts: - If the courts were to abstract an MIP Deferment to the Secretary of State whose records shows a prior MIP or an MIP Deferment for the defendant, the court shall be notified by the Secretary of State.

At this time, the Secretary of State does not have programming in place to show the "MIP Deferment" or "Dismissal" on the Michigan driving record. In the interim, Secretary of State's Abstract Processing Unit will be maintaining a separate database for the "MIP Deferments." Abstract Processing Unit's telephone number is (517) 322-1598. If the Secretary of State receives more than one MIP Deferment for a defendant, a letter will be sent to the last court notifying them that the defendant is not eligible for the MIP Deferment due to "deferment already granted by another court."

Abstracting a "Dismissal" Abstract Upon Fulfillment of the Terms and Conditions of Probation

Complete a "Dismissal" abstract as is current practice with the following changes:

- Use offense code "1360"
- An "M" is required in the "Trial" field on the abstract (Merit Dismissal)
- A reason why the case is being dismissed must be placed in the "Comment" field

Abstracting an MIP "Conviction" Upon a Violation of a Term or Condition of Probation

Complete a "Conviction" abstract using the offense code of 1360 as is current practice.

Abstracting MIP Deferment "Corrections" when a 1360 Conviction was sent to Secretary of State in Error

Complete a "Correction" abstract as is current practice with the following changes:

- Type "1360R" in the offense code
- Type "1360" in the "Orig Chg" field
- A reason for the correction must be placed in the "Comment" field

(Please remember to type "COR" in the "SOS Use" field and not "DEL" when correcting the driving record from a 1360 offense to a 1360R deferment)

SA:sja

XXXX XXXX XXXXXXX 03/25/1986 F 5-07 150 BLU
XXXXX XXX XX PO-OPER-TIP 06/02/2004 387 2007
09/02/2004 **08/02/2004 MINOR IN POSSESSION - DEFERRAL**
04/24/2001 MARQUETTE 01/22/2001 PERSON UNDER 21 PURCHASE
/CONSUME /POSSESS LIQUOR
TICKET: 81073 JUDGE: 10166
TRIAL: P ORIG CHG: 1360
04/24/2001 MARQUETTE 04/10/2001 PERSON UNDER 21 PURCHASE
/CONSUME /POSSESS LIQUOR
TICKET: 78094 JUDGE: 10166
TRIAL: P ORIG CHG: 1360
**** SUSPENSION FROM 06/24/2001
THROUGH MIDNIGHT OF
07/23/2001 AND RESTRICTED
LICENSE FROM 07/24/2001
THROUGH MIDNIGHT OF
09/22/2001, FROM ACTIVITY OF
04/24/2001, MANDATORY ACTION
CONVICTION, MAY DRIVE TO AND
FROM RESIDENCE AND
EMPLOYMENT, DURING
EMPLOYMENT, TO TRTMENT
AND/OR SUPPORT GROUP MTGS,
TO REGULARLY SCHEDULED
TRTMENT FOR SERIOUS MEDICAL
CONDITION, TO PROBATION,
COMMUNITY SERVICE AND
SCHOOL, MUST CARRY PROOF OF
DESTINATIONS AND HOURS,
MIP/OPEN/TRANS,
REINSTATEMENT FEE NOT
REQUIRED BY LAW (3611)
09/05/2001 MARQUETTE 08/09/2001 DROVE WHILE UNLICENSED OR
LICENSE NOT VALID [3010]
TICKET: 87787 JUDGE: 10166
TRIAL: P ORIG CHG: 3010
**** 10/05/2001 DRIVER IMPROVEMENT WARNING
LETTER NO LIC (1111) [NO
LIC]
02/06/2003 MARQUETTE 01/18/2003 PERSON UNDER 21 PURCHASE
/CONSUME /POSSESS LIQUOR
TICKET: 81328 JUDGE: 010166
TRIAL: P ORIG CHG: 1360
**** SUSPENSION FROM 03/09/2003
THROUGH MIDNIGHT OF
05/07/2003 AND RESTRICTED
LICENSE FROM 05/08/2003
THROUGH MIDNIGHT OF
03/08/2004, FROM ACTIVITY OF
02/06/2003, MANDATORY ACTION
CONVICTION, MAY DRIVE TO AND
FROM RESIDENCE AND
EMPLOYMENT, DURING
EMPLOYMENT, TO TRTMENT
AND/OR SUPPORT GROUP MTGS,