

MIP Law -- Public Act 63 of 2004 -- MCL 436.1703

Effective Date 9/1/2004

Offense	Old Law			New Law	
	Punishment	License Action		Punishment	License Action
First	Fine \$100; Substance Abuse Treatment; Community Services; Jail is not an option.	None		Fine \$100; Substance Abuse Treatment; Community Service; Jail is not an option	None
Second	Fine \$200; Substance Abuse Treatment; Community Service	License shall be suspended 90 days -- restricted possible after 30. <i>MCL 257.319(7)(a)</i>		Fine \$200; Substance Abuse Treatment; Community Service	License shall be suspended 90 days -- restricted possible after 30. <i>MCL 257.319(7)(a)</i>
	Jail is not an option		30 Days Jail is possible only upon violation of probation; failure to successfully complete treatment or pay fine		
Third	Fine \$500; Substance Abuse Treatment; Community Service.	License shall be suspended 1 year -- restricted possible after 60 days. <i>MCL 257.319(7)(b)</i>		Fine \$500; Substance Abuse Treatment; Community Service	License shall be suspended 1 year -- restricted possible after 60 days. <i>MCL 257.319(7)(b)</i>
	Jail is not an option		60 Days Jail is possible only upon violation of probation; failure to successfully complete treatment or pay fine		
Additional Items	"Any bodily alcohol" is now a violation of the minor in possession law. This is defined as a .02 BAC or higher. <i>MCL 436.1703(1) and (15)</i>				
	Under the new law, the court can order diversion for a first offense. Upon successful completion, there is no conviction. This can only be done once. A record of the diversion is kept by the Secretary of State's Office. If successfully completed, and if another MIP charge is brought afterwards, the second charge is a first offense. However, that one can not be diverted. If the diversion was not successful, then a conviction is entered for a first offense. <i>MCL 436.1703(3)</i>				
	"In a criminal prosecution," (i.e. during trial) it is now an affirmative defense if the minor "consumed the alcoholic liquor in a venue or location where that consumption is legal." <i>MCL 436.1703(14)</i>				
	The courts are required to report all MIP diversions and all convictions to the Secretary of State's Office. This includes local ordinances substantially corresponding to the MIP law. <i>MCL 257.732(4)(d) and (5)</i> (NOTE: Section five of 257.732 was amended through 2004 PA 62. This is the provision that requires diversions to be reported. It goes into effect 9/1/04)				

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