

GTSAC Traffic Safety Summit



A Legal Update

Charles Koop

President

**Prosecuting Attorneys Association of
Michigan**

PBTs and MIPs

Can they mix?

*Katie Platte, et al. vs
Thomas Township*

#05-10200

Federal District Court
Eastern District of Michigan



Lane Changes

People v. Hrylic,
Case no. 78053,

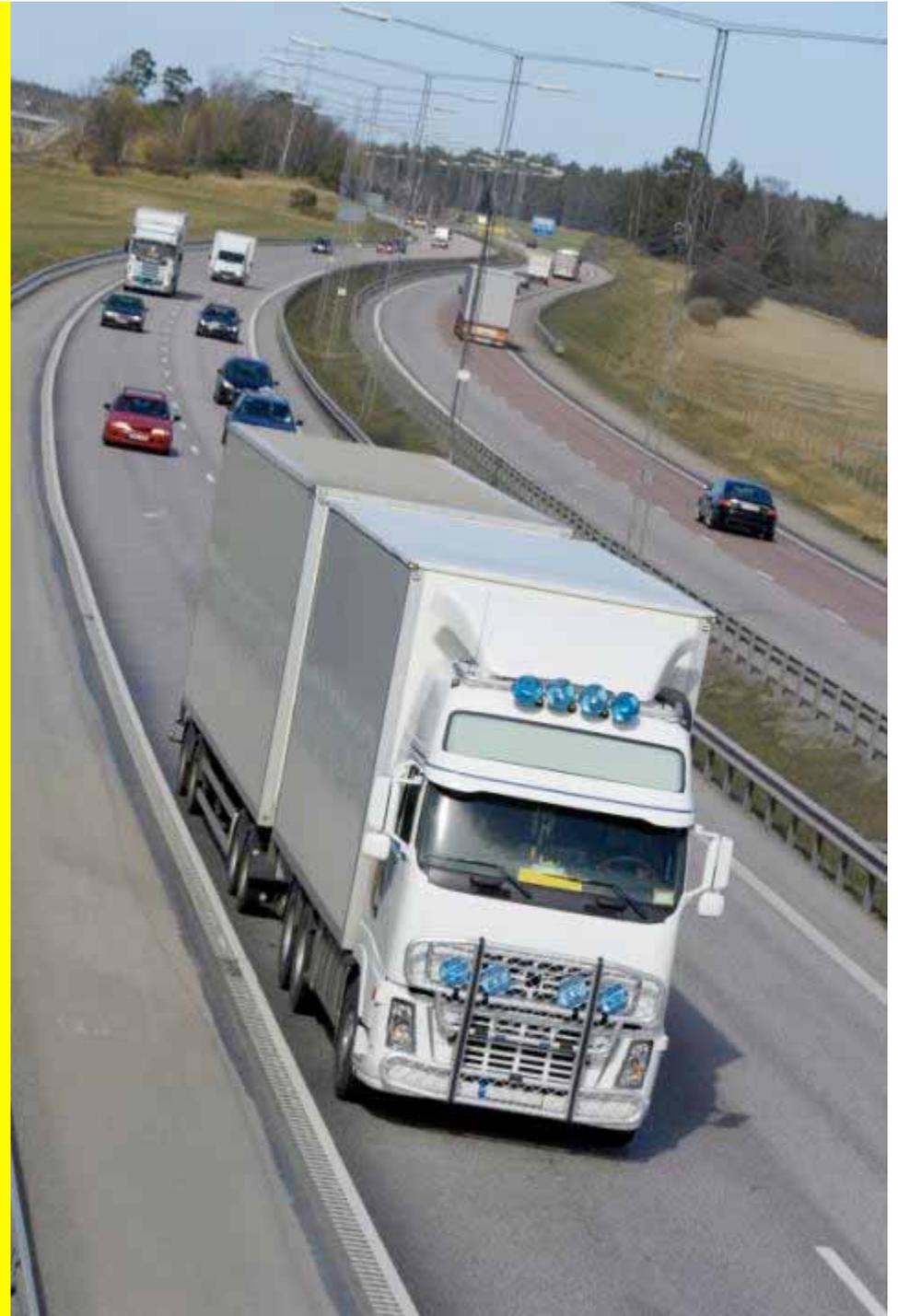


Court of Appeals

Behnke Inc. vs.
Michigan

#272010

February 21, 2008

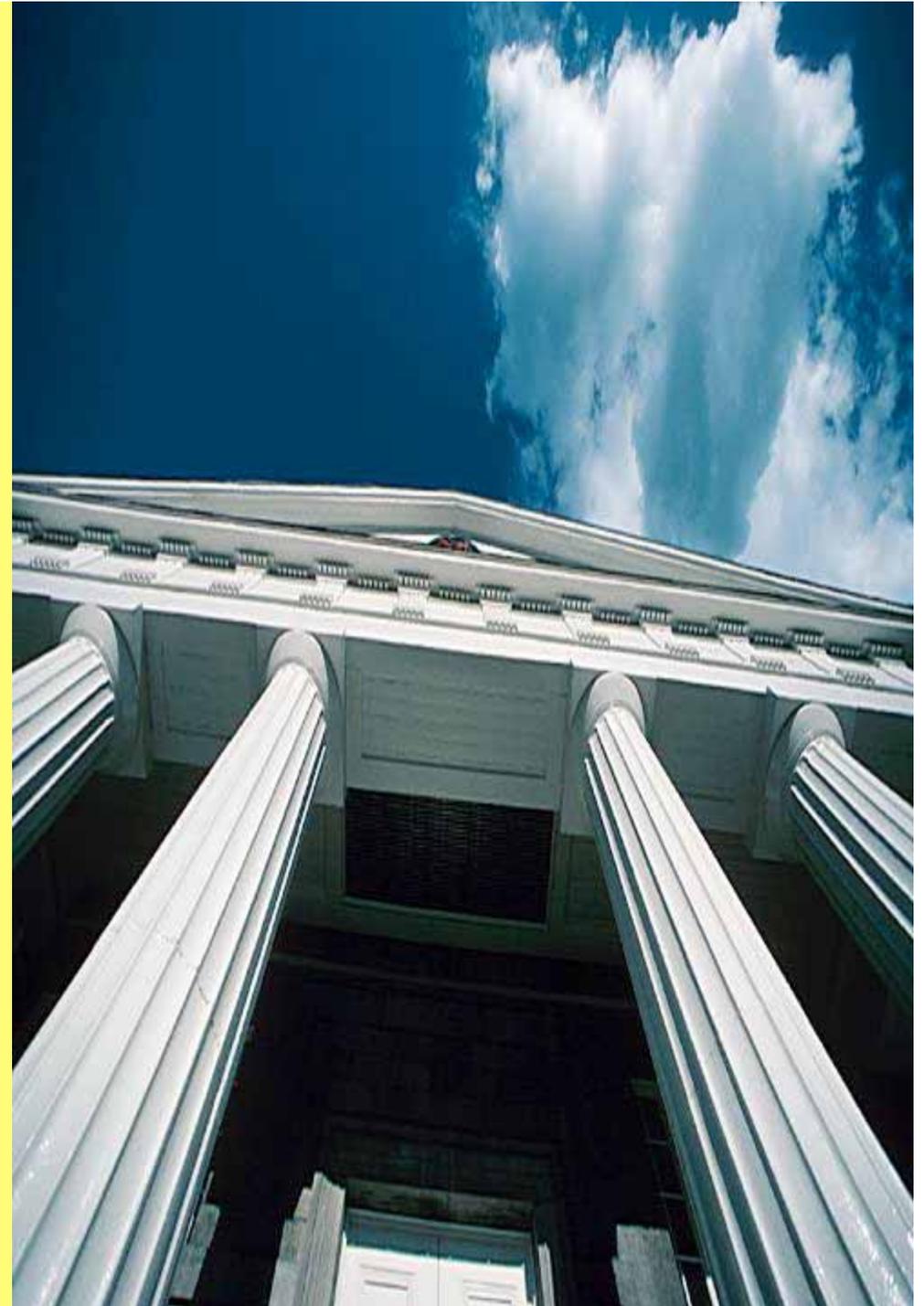


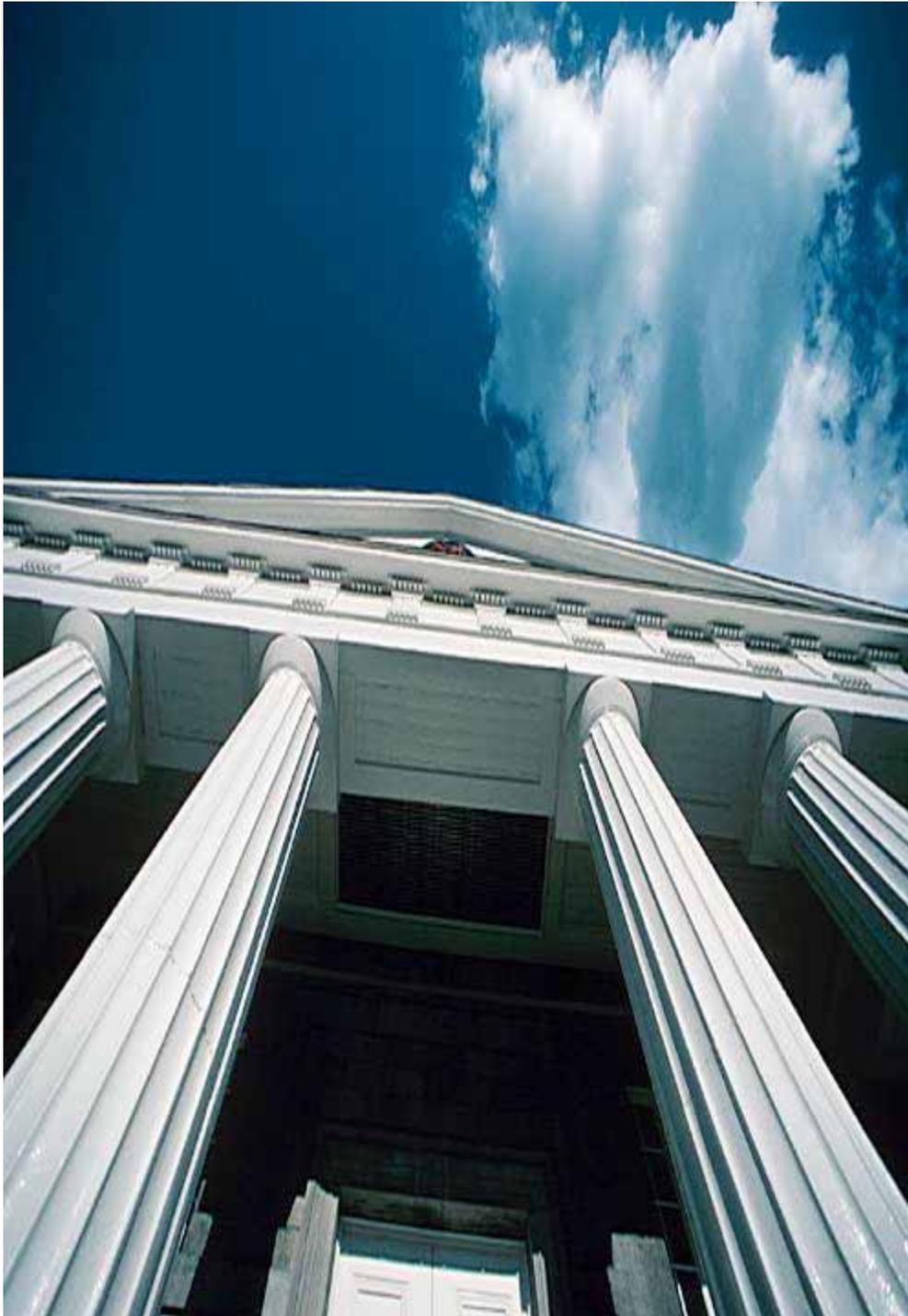
U.S. Supreme Court

Scott v Harris

#05-1631

April 30, 2007





U.S. Supreme Court

*Los Angeles
County v Rettele*

#06-605

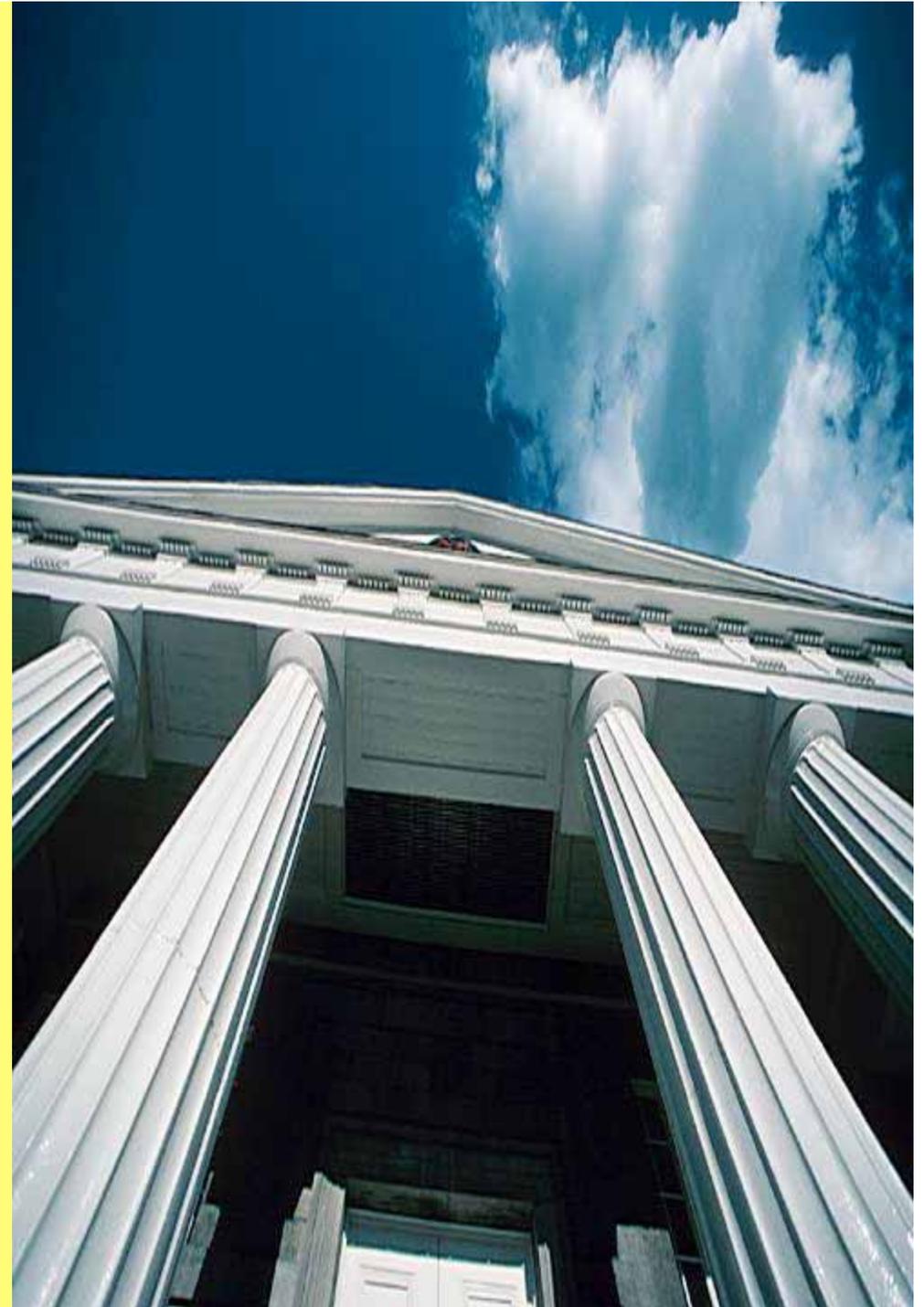
May 21, 2007

U.S. Supreme Court

*Brendlin v
California*

#06-8120

June 18, 2007



Michigan Supreme Court

People v Labelle

June 8, 2007

#133126



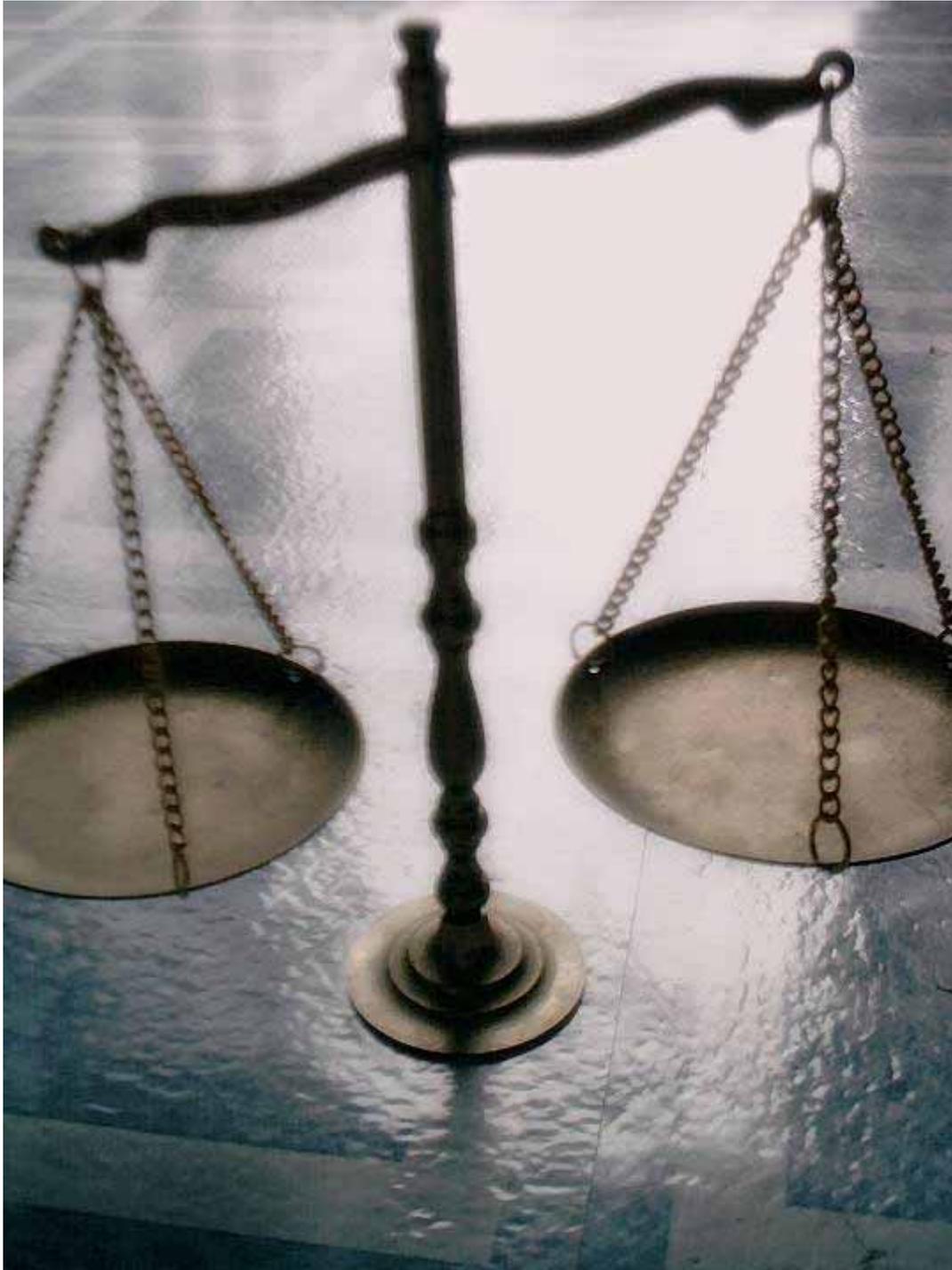


Michigan Court of Appeals

People v Wood

#269157

September 18, 2007



6th Circuit Court of Appeals

Taylor v DNR

#05-2732

September 14, 2007



Michigan Court of Appeals

*Dawson v
Secretary of State*

#264103

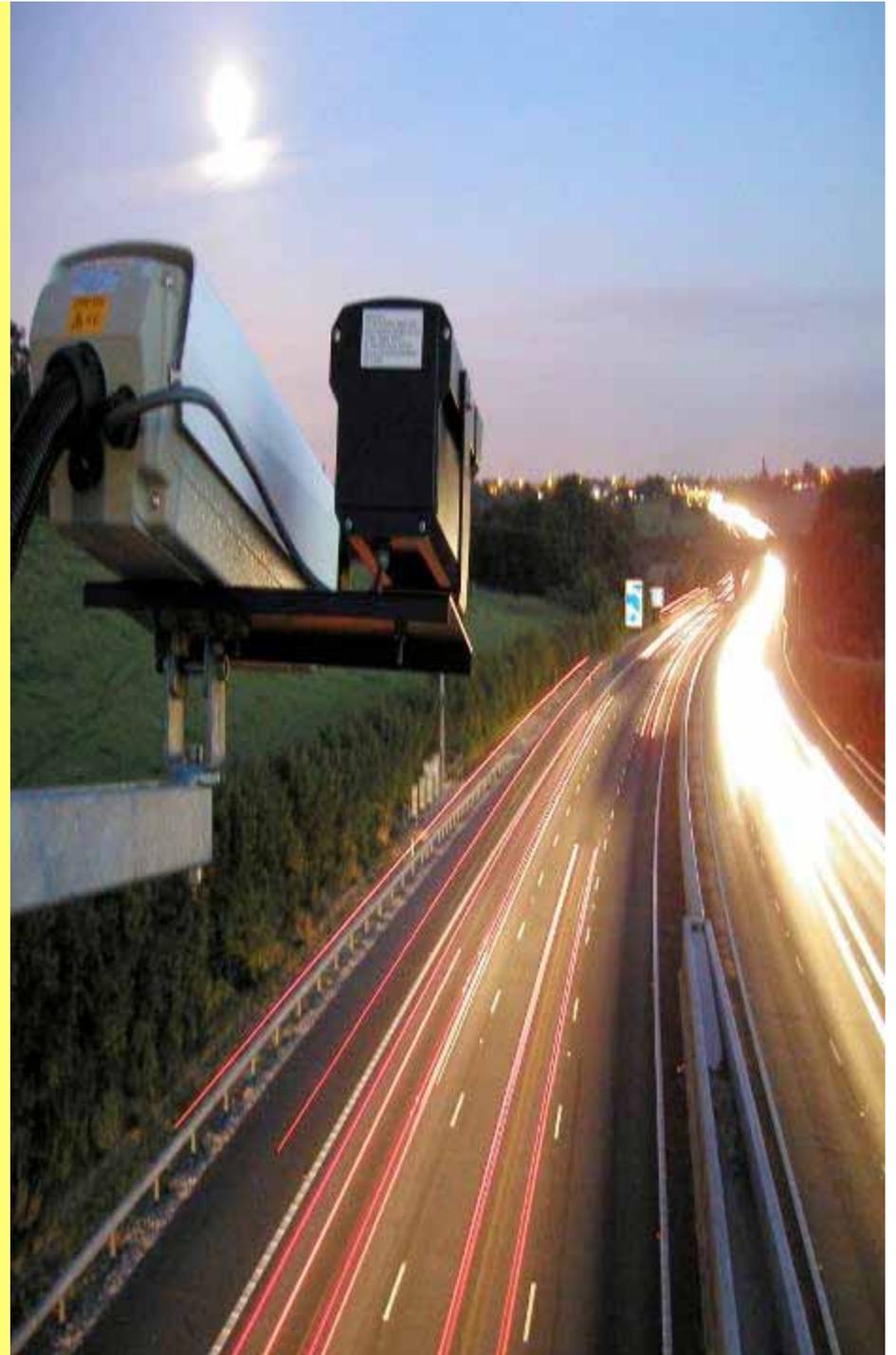
March 20, 2007

Attorney General Opinion

Red Light
Cameras

#7199

January 30, 2007



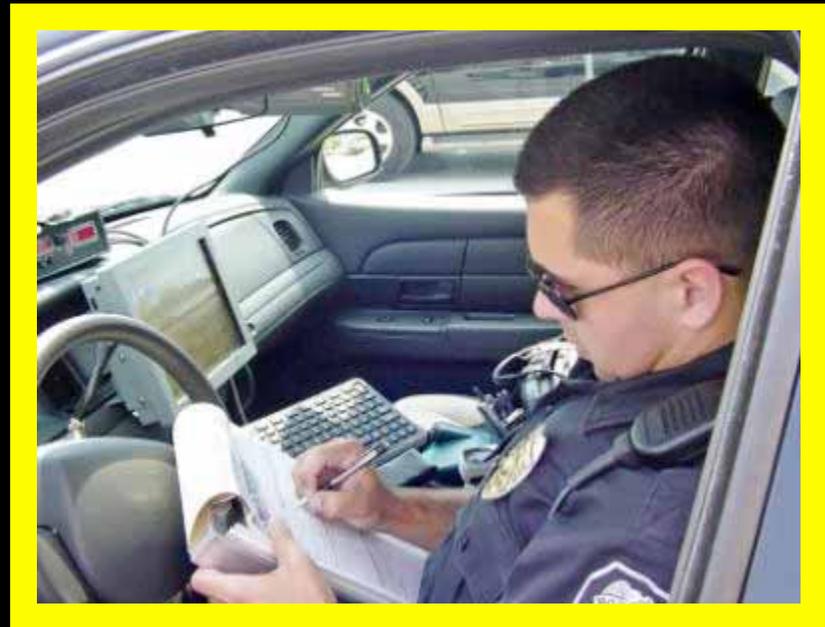
**New
Laws**



**The Michigan Legislature in
Action**

Vehicle Registrations

**2007 PA 143.
Eliminates the
requirement to sign
your vehicle
registration
certification.**



Effective November 19, 2007.



Vine Ripened Tomatoes

**Repeals the statute
making it a crime to
sell non-vine ripened
tomatoes without a
label.**



Interpreters

Requires law enforcement officers to obtain interpreters before interrogating a suspect who is deaf or deaf-blind

MCL 393.508b(3)



Effective – June 28, 2007

Preliminary Examinations



Drug field tests are admissible at a preliminary examination

MCL 766.11b

Effective – December 29, 2007

Possible Legislation

Possible High BAC Charge



Negligent
Homicide may be
repealed

The DataMaster, PBTs and Breath Testing

The changes –
they are a'comin'



The DataMaster

People v Bain

#268527

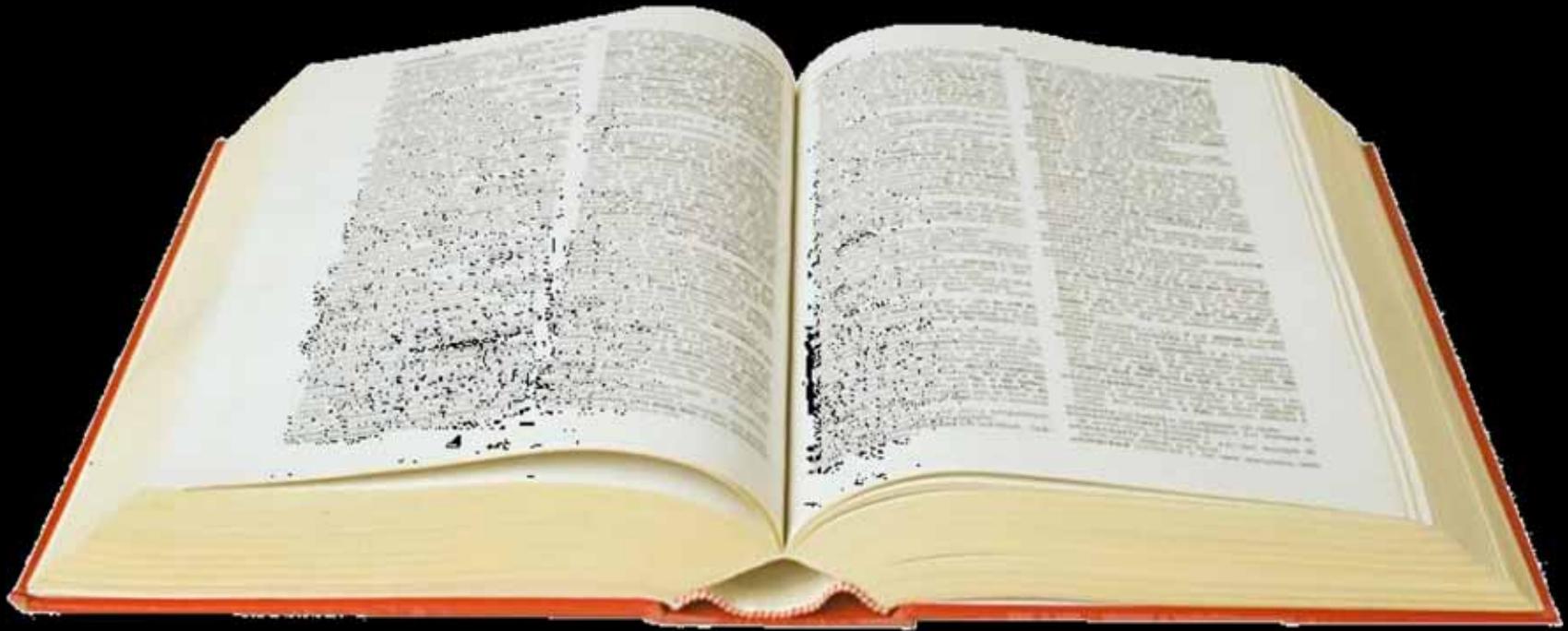
June 21, 2007





**On
February
2, 2007,
new rules
went into
effect.**

**Certain definitions have been
added to the rules.**



Clarification of the simulator test requirements.



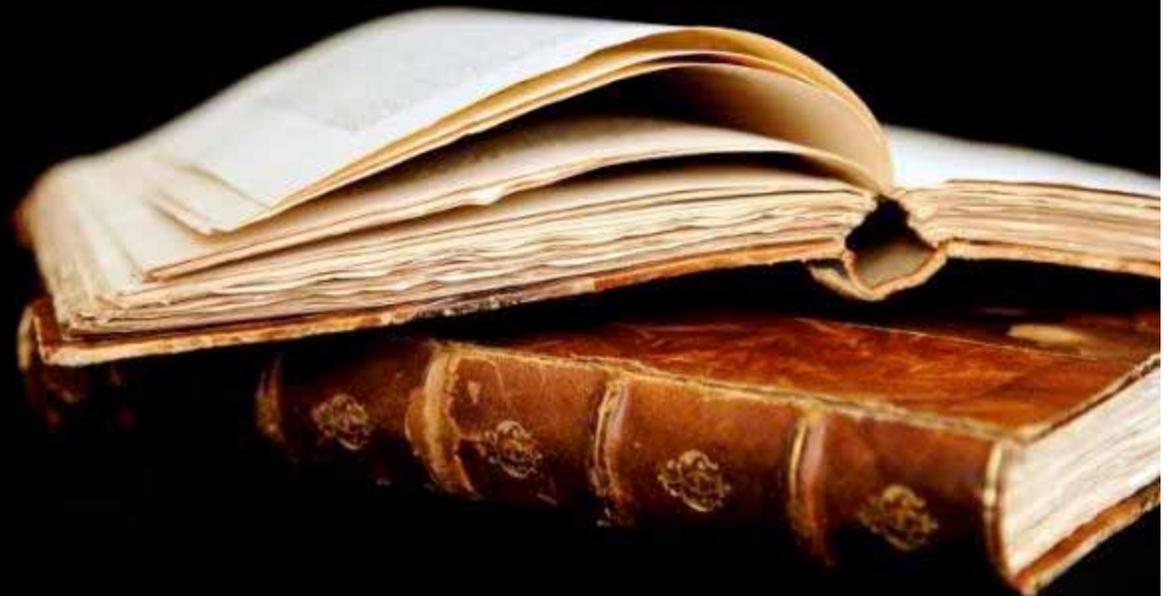


**More than
one operator
can do the
15 minute
observation .**



**It is not a
staring
contest
during the
15 minute
observation.**

**The Administrative Rules use
the word “determination”
instead of “observation”**





**On
September
18, 2007,
new rules
went into
effect –
again.**



PBTs and the Rules

A different type of “solution” will be used to calibrate PBTs.



The New DataMaster

Coming to a
station near
you

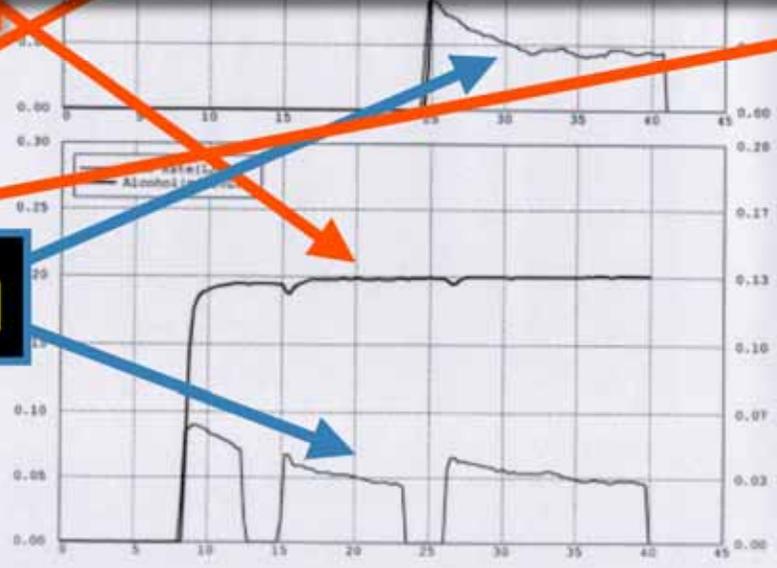
Test Results

BLANK TEST	0.000	10:01
INTERNAL STANDARD	VERIFIED	10:01
BLANK TEST	0.000	10:02
SUBJECT SAMPLE (Vol=2.3L)	0.200	10:03
BLANK TEST	0.000	10:05
SUBJECT SAMPLE (Vol=1.9L)	0.202	10:06
BLANK TEST	0.000	10:07

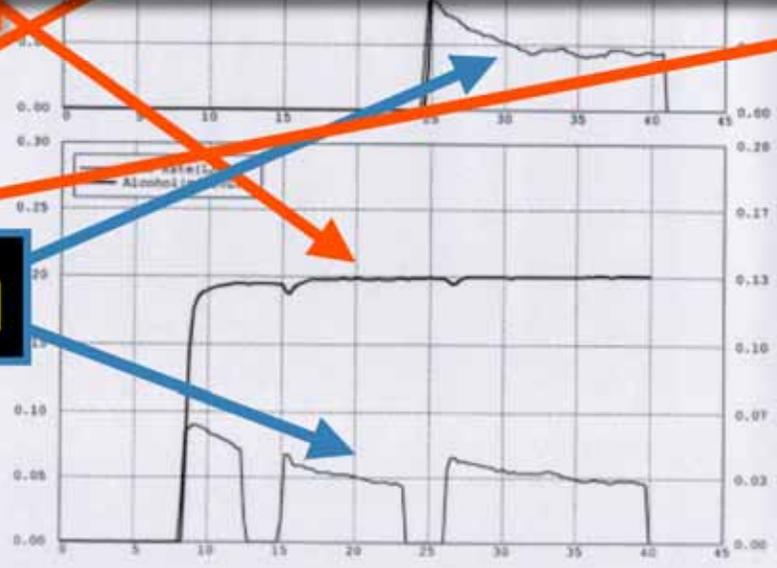


SUBJECT TEST
DATA MASTER dml: 101104
Date: 3/22/2007
Time: 10:00:55
Test Number: 12346
Age: 53
Weight: 210

BLANK TEST	0.000	10:01
INTERNAL STANDARD	VERIFIED	10:01
BLANK TEST	0.000	10:02
SUBJECT SAMPLE (Vol=2.3L)	0.200	10:03
BLANK TEST	0.000	10:05
SUBJECT SAMPLE (Vol=1.9L)	0.202	10:06
BLANK TEST	0.000	10:07



Breath



Keep in Mind

Check with local
Prosecutor on
implementation





QUESTIONS?

For More Information

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