

**Consequences of Conviction of Alcohol or Substance Abuse/Driving Offense**

**DRAFT**

Charge	Minimum-Maximum Jail	Minimum-Maximum Fines Plus Costs	Other Consequences
Operating While Intoxicated First Offense	Up to 93 days	\$100-500	<ul style="list-style-type: none"> <li>Up to 360 hours Community Service</li> <li>6 points on Michigan driving record</li> <li>\$1,000 Driver Responsibility Fee (DRF) per year for 2 years</li> <li>Non-citizens may be denied naturalization and may be deported.</li> <li>Difficulty entering Canada and other nations.</li> </ul>
Operating While Intoxicated BAC of .17 or more	Up to 180 days in jail	\$200-700	
Operating While Intoxicated Second Offense	5-365 days	\$200-\$1,000	
Operating While Visibly Impaired	Up to 93 days	Up to \$300	<ul style="list-style-type: none"> <li>4 points on Michigan driving record</li> <li>\$500 DRF per year for 2 years</li> <li>Non-citizens may be denied naturalization and may be deported.</li> <li>Difficulty entering Canada and other nations.</li> </ul>

**B. Screening and Additional Costs:** All convictions for alcohol-related driving offenses

- Require the judge to order the defendant to undergo screening for substance abuse at the defendant's expense
- Rehabilitation may be ordered as part of any sentence at the defendant's expense
- The defendant may be ordered to pay the costs of the prosecution MCL 257.625(13)

**C. License Suspensions and Restrictions:** Driver License sanctions will be imposed by the Secretary of State under MCL 257.204 and MCL 257.625b(4):

- Operating While Visibly Impaired: License restricted for 90 days
- Operating While Intoxicated First Offense with no priors: License suspended 6 months, restricted license after 30 days
- Operating While Intoxicated .17 BAC or more: License suspended 12 months, restricted license after 45 days with an Ignition Interlock Device. Vehicle immobilized.
- Second offense of alcohol/substance abuse driving offense (MCL 257.625(1), (3), (4), (5), (6), (7),(8), and (25) and MCL 257.625m): License revoked. No restricted license. Vehicle immobilized.

**D. Attempted violations:** Sentences and licensing actions also apply to a person convicted of an attempted violation of any of the offense listed above as if the offense had been completed (MCL 257.204(b)).

**Consequences of Conviction of Other Offenses**

Domestic Assault	1 <sup>st</sup> offense: Up to 93 days 2 <sup>nd</sup> offense: Up to 365 days	1 <sup>st</sup> offense: Up to \$500 2 <sup>nd</sup> offense: Up to \$1,000	<ul style="list-style-type: none"> <li>Unable to obtain a firearms license to possess or purchase ammunition or firearms</li> <li>Non-citizens may be deported</li> </ul>
Assault and Battery	Up to 90 days	Up to \$500	
Retail Fraud 3rd Degree (goods valued less than \$200)	Up to 93 days	Up to \$500 or 3 times the value stolen	<ul style="list-style-type: none"> <li>May have immigration consequences</li> </ul>
Retail Fraud 2nd Degree (goods valued at least \$200 or a second offense of retail fraud)	Up to 1 year	Up to \$2,000 or 3 times the value stolen	<ul style="list-style-type: none"> <li>May have immigration consequences</li> </ul>
Possession of Marijuana	Up to 1 year	Up to \$2,000	<ul style="list-style-type: none"> <li>1<sup>st</sup> Offense: Drivers License suspended 6 months, may request a restricted license after 30 days</li> <li>2<sup>nd</sup> Offense: Drivers License suspended 12 months, may request a restricted license after 60 days.</li> <li>Ineligible for student loan for a period of time.</li> <li>Immigration consequences if more than 30 grams or second offense.</li> </ul>
Driving While License Suspended	First offense: Up to 93 days Second offense: Up to 365 days	First offense: Up to \$500 Second offense: Up to \$1,000	<ul style="list-style-type: none"> <li>\$500 DRF per year for two years</li> <li>Drivers License suspended for 30 days or period for length of suspension whichever is greater.</li> <li>2 points on Michigan driving record</li> </ul>

If you plead guilty or are convicted/adjudicated of an offense you may suffer additional legal consequences beyond jail or prison, probation, periods of probation, and fines. These consequences may include:

- being unable to get or keep some licenses, permits, or jobs;
- being unable to get or keep benefits such as public housing or education or educational grants and loans;
- receiving a harsher sentence if you are convicted/adjudicated of another offense in the future;
- having the government take your property;
- being subject to sex offender registration and the requirements imposed on registered offenders;
- being unable to vote;
- being unable to possess a firearm or ammunition;
- being excluded from admission to other nations;
- suspension of Commercial Drivers License; and
- other consequences.

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If you are not a United States citizen, a guilty plea, conviction, or adjudication may also result in your deportation, removal, exclusion from admission to the United States, or denial of citizenship.

The law may or may not provide ways to obtain some relief from these consequences.