

## MINOR IN POSSESSION OF ALCOHOL & INTOXICANTS IN A MOTOR VEHICLE

Revised 2/27/13

F:\Minor In Possession of Alcohol\Chart\Current\Chart revised 2-13.docx	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	Most Recently Amended: 2012 PA 125, eff. 6/1/12	Most Recently Amended: 2012 PA 306, eff. 10/1/12	Most Recently Amended: 2003 PA 61, eff. 9/30/03
Original Jurisdiction	District, Municipal, and Family Division/Circuit Courts	District, Municipal, and Family Division/Circuit Courts	District, Municipal, 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 2 <sup>nd</sup> conviction; 30 days 3 <sup>rd</sup> or subsequent conviction; 60 days <sup>1</sup>	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 or existing deferred sentence.	No	No
Prior convictions used for:	436.1703(1) (and former 436.33b) or substantially corresponding local ordinance: 2: Fines, Jail, Community Service, Substance Abuse Service, SOS license action.	257.624a or 624b or substantially corresponding local ordinance: SOS license action.	257.624a or 624b or substantially corresponding local ordinance: SOS license action.
Vehicle Impoundment	No reference	No reference	15-30 days
License Suspension (Including substantially corresponding	Imposed by SOS: 2nd: 90 days	Imposed by SOS: 2nd: 90 days	Imposed by SOS: 2nd: 90 days

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

<sup>2</sup> A violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior violation for the purposes of sentencing. MCL 436.1703(4).

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local ordinances)	3rd: 1 year	3rd: 1 year	3rd: 1 year
License Restriction	2nd: after 30 days 3rd: after 60 days	2nd: after 30 days 3rd: after 60 days	2nd: after 30 days 3rd: after 60 days
Abstract	SOS Code: 1360 Deferred: 1360R 0 points	SOS Codes: 1300 Driver 2 points 1306 Passenger 2 points	SOS Codes: 1307 Driver 2 points 1308 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 Services	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. Report deferred dismissals as Merit Dismissal. 436.1703(2) also included	No reference	No reference
Access to Record	<b>Public</b> at Court & MSP/SOS if conviction entered. <b>Non-Public</b> in Court & MSP/SOS while on probation with deferred judgment and if discharged and dismissed.	Public at all times	Public at all times