

Michigan Association of District Court Magistrates Annual Conference

September 23, 2021

Field Services Update

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Jail Reform – October 1st, 2021 Implementation

Ryan Gamby, Field Services Director

September 23, 2021



Reclassification and Civil Infractions



MCL	Offense
257.208b	Driver Education and Limousine Record Violations
257.239	Motor Vehicles – Failing to Endorse and Deliver Certificate of Title to Transferee
257.312a	Motorcycles – Operation Without Endorsement (1 st Violation)
257.325	Motor Vehicles – Allowing Unlicensed Minor to Operate
257.624b(4)	Motor Vehicle – Transfer of to Avoid Impoundment
257.677a	Snow on Highway – Obstructing Vision
257.682c	Motor Vehicles – Operating Commercial Snow Removal Vehicle Without Flashing Lights
257.698(5)	Motor Vehicles – Use/Possession of Flashing Lights
257.698(6)	Motor Vehicles/Sale of Flashing Lights/Unauthorized Use of Emergency Vehicle
257.707c(2)	Motor Vehicles – New – Excessive Noise
257.707c(4)	Motor Vehicles – Sale or Installation of a Muffler Causing Excessive Noise
257.707c(6)	Motor Vehicles – Dealer Sale of Noncompliant Vehicle

Eff: 10/01/21



Driver License Suspensions



Offenses

- The SOS is no longer required to suspend a license for the following violations:
 1. Alcohol – Use of Fraudulent Identification by Minor
 2. Alcohol – Furnishing Fraudulent Identification to Minor
 3. Alcohol – Purchase/Consumption/Possession by Minor – 2nd or Subsequent
 4. Offenses Related to the False Report or Threatened Use of Certain Explosives Involving a School.
 5. Alcohol – Selling/Furnishing to Minor – 2nd or Subsequent
- Repealed MCL 257.319e – License suspension for controlled substance violations
- Repealed MCL 333.7408a(1) & (2) – required court to impose license suspension for violations of Public Health Code.
- Requires SOS to waive reinstatement fees for current suspensions and immediately reinstate licenses.

HB 5853 / Eff: 10/01/21



Driver License Suspensions



FAC/FCJ Suspensions (MCL 257.321a)

Section	Former Section	Amended Section
321a(1)	93-day misdemeanor for FAC/FCJ	Repealed
321a(2)	14-day notice for FAC/FCJ if violation reportable to SOS (MCL 257.732)	14-day notice on violation “ for which license suspension is allowed under this act. ”
321a(3)	7- and 14-day notices for FAC/FCJ violations of MCL 257.625	Expanded to include (1) reckless driving, (2) any driving violation resulting in injury, death, or serious impairment, and (3) a serious offense involving a motor vehicle.
321a(4)	7- and 14-day notices for FAC/FCJ for violations of MCL 436.1703(1)(b) or (c), MCL 257.624a, and MCL 257.624b	Repealed
321a(6)-(8)	10-day notice for FAC on parking violations	Repealed
321a(9)	14-day notice for state civil infractions.	Repealed

Eff: 10/01/21



Driver License Suspensions



Friend of the Court Suspensions

Requires the following before a court may suspend a license for non-payment on an FOC case.

Summary	Description
Arrearage Amount	Greater than support payments payable for 2 months.
Income Withholding	Not applicable or was unsuccessful in assuring regular payments on support obligations.
* Ability to Pay	The court determines the individual has an ability to pay and is willfully not making support obligations.
* Alternative Sanction	The FOC determines no other sanction would be effective in assuring regular payments.



Eff: 10/01/21

Holmes Youthful Trainee Act (HYTA)



Effective October 1, increases HYTA eligibility for offenses committed on or after the defendant's 18th birthday but before his or her 26th birthday.

Prosecutor must consent to HYTA for offenses committed on or after the defendant's 21st birthday.



SB 1049 / Eff: 03/24/21

Question & Answer

