

SENATE DEMOCRATIC LEADER • MARK SCHAUER • 19TH DISTRICT

Schauer Press Release

P.O. Box 30036 • Lansing • Michigan • 48909-7536 • 517-373-2426 • Fax: 517-373-2964
E-mail: senmschauer@senate.mi.gov • www.senate.mi.gov/schauer



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Contact: Tom Lenard
Phone: (517) 373-2426

Schauer Proposes Legislation to Crack Down on Drinking and Driving
Answering constituent's plea, pushes for stronger penalties on those who drive under the influence

LANSING--Senator Mark Schauer (D-Battle Creek) introduced new legislation today to increase penalties on those who injure or kill another person while operating a motor vehicle with any bodily alcohol content and open alcohol in the vehicle. A constituent from Battle Creek alerted Schauer to a flaw in the current law regarding certain drivers who think nothing of "a beer for the road." This legislation could help erase this oversight and save lives.

"Drinking and driving is a dangerous and preventable offense," said Schauer. "The penalties for endangering lives may increase in severity, but they will never compare to the pain and emotional trauma inflicted on the victims of drunk drivers, and the family and friends of these victims. After hearing from a constituent about the ordeal her family suffered through, I knew it was time to act."

Less than a year ago, Crissy Castellanos' 16-year-old nephew was hit by a drunk driver while walking down the street. He suffered serious injuries, remaining in intensive care for a week before recovering. The driver had just purchased a 12-pack of beer and was drinking his second beer when he hit the boy. When the police came, they could not arrest the driver because under law, he was not drunk enough. Instead, he was just given a ticket for having an open intoxicant in his vehicle, and allowed to go on his way.

"It's frustrating and infuriating to my family and me that dangerous drivers like this one are let off so easily," said Castellanos. "Thankfully my nephew survived, but unfortunately that is not always the case. We're grateful to Senator Schauer for stepping up and addressing this serious issue."

The proposed legislation attempts to prevent accidents like this one by making it a felony offense for a person to cause bodily injury or death to another person while operating a motor vehicle with open alcohol in the vehicle and any bodily alcohol content. For causing bodily injury, the penalty would be imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. For causing death, the penalty would be imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

[Editor's note: Crissy Castellanos can be reached for comment at 269-209-8890.]

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