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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

COL. JOSEPH M. GASPER  
DIRECTOR

May 6, 2020

The Honorable Graham Filler, Chair  
House Judiciary Committee  
124 North Capitol Avenue  
Lansing, MI 48933

Dear Chairman Filler and members of the Judiciary Committee:

The Michigan State Police would like to thank the members of the House Judiciary Committee for taking up Senate Bill 718. The department is in support of the bill and believes it will provide necessary clarification to law enforcement and prosecutors in the State of Michigan.

Senate Bill 718 is a correction bill seeking to clarify language pertaining to the Oral Fluid Pilot Program by removing the reference to the "5 counties" in MCL 257.625t. The pilot was established in 2018 in the original "5 counties" selected for participation. At the end of the pilot year, it was determined that more data would be necessary to examine the accuracy of the test. In 2019 the legislature appropriated funds to expand the pilot statewide as provided for in subsection (8).

It came to the attention of the Michigan State Police and the Prosecuting Attorneys Association of Michigan that there could be some confusion with the language, as there are other statutes that reference MCL 257.625t. When these references are made, it can be unclear if enforcement can only be taken in the "5 counties" or in any county in the state. Senate Bill 718 will clarify this confusion by removing the "5 counties" language and better align the statute with the statewide expansion of the program. In addition to removing the "5 counties" language, the bill removes the expansion language as the program has already been expanded to the fullest extent possible.

The bill does nothing to expand the program or testing abilities. The Oral Fluid Pilot remains a test that can only be administered by a certified Drug Recognition Expert (DRE). As of March 4, 2020, there were 157 active DRE's in the State of Michigan consisting of 37 Michigan State Troopers, 36 Sheriff's Deputies, 78 local law enforcement officers, 4 University officers, 1 Tribal officer, and 1 Motor Carrier Officer. Senate Bill 718 only seeks to clarify language, the department is not interested in making changes to the program until data can be analyzed at the conclusion of the pilot. It is our position that this program must be driven by data.

The Michigan State Police appreciates the committee's time in hearing this bill. It is our hope that you will consider moving the bill forward to assist law enforcement and prosecutors with the enforcement of impaired driving violations.