

# WHAT YOU NEED TO KNOW ABOUT MEDICAL AMNESTY IN MIP CASES

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# MIP AMNESTY LAW PROVISIONS

- MCL 436.1703(10)(a), (b)(i), (b)(ii), (c):
- Individuals are not considered in violation of the MIP statute if:
  - a) A minor who has consumed alcoholic liquor voluntarily presents himself or herself to a health facility or agency for treatment or observation including, but not limited to, medical examination and treatment for any condition arising from a violation of the statutory provisions of the penal code for offenses against a minor 750.520(b) to 750.520(g) (sexual assault offenses),

## MIP AMNESTY PROVISIONS CONTINUED

- (b)(i) and (ii)
- A minor who accompanies an individual who meets both of the following criteria:
  - i) Has consumed alcoholic liquor
  - ii) Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code committed against a minor.

## MIP AMNESTY PROVISIONS CONTINUED

- (c)
- A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

# WHAT THE STATUTE MEANS/ THINGS TO KEEP IN MIND

- You must be the one to initiate the call to police or transport to the ER to meet the amnesty requirement.
- If you or an “accompanying individual” are not the ones to initiate the call for help, amnesty may not be given by police or the court:
  - Police have discretion on amnesty when called by someone other than the intoxicated individual or someone accompanying that individual.
  - An R.A. who contacts housing security or DPS for assistance upon encountering an intoxicated student is not necessarily considered an “accompanying individual,” for purposes of amnesty.

# WHAT THE STATUTE MEANS/ THINGS TO KEEP IN MIND

- If the police see you intoxicated on the street and give you a ride to the hospital, even though you go with them voluntarily, this does not qualify for amnesty under the statute and it would be up to the officer's discretion.
- If you take a taxi to the hospital, alone or with a friend, this should meet the amnesty provision.
- If you or your friend flag down a police officer or call for an EMT, you should meet the amnesty provision.
- If you are sexually or otherwise assaulted and the police respond, you will likely meet the provision even if you do not initiate the police/medical call. If you are physically incapable of contacting police due to the assault, the police may extend amnesty.

# EXAMPLES

- You are intoxicated and take a cab to the hospital—  
AMNESTY
- You are intoxicated and take your intoxicated friend to the hospital—  
AMNESTY FOR BOTH OF YOU
- Your RA finds you intoxicated and calls DPS—  
Discretionary
- You help an intoxicated friend back to his/her dorm room and ask an RA for help—  
Discretionary
- You are intoxicated and walking an even more intoxicated friend back to the dorms and encounter the police outside, who call for an EMT for your friend—  
Discretionary

# EXAMPLES

- You are intoxicated, see the police and run, but the police catch you and take you to the hospital—
- Amnesty is unlikely
- A third party sees you and your friend passed out on the diag, calls police and emt, and you both get treated at the hospital—
- Amnesty is unlikely
- The police see you vomiting and take you to the ER. You cooperate fully—
- Amnesty is unlikely if DPS takes you, but possible if the Ann Arbor police encounter you. If you have a false id, you may not get the MIP because you will be charged for the fake id.



# EXAMPLES

- You drink too much and go to the wrong house and pass out on the porch. The occupants call the police and you go to the hospital.
- This is more often a City of Ann Arbor police matter, and while you may get amnesty for the MIP, you would likely be looking at a prowling or disorderly conduct charge instead.