



# HOUSE BILL No. 4812

May 10, 1995, Introduced by Reps. Kukuk, Porreca, Horton, Bush, Weeks, Rocca, Brewer, Green, Hill, Profit, Willard, LeTarte, Palamara, Perricone, Nye, Goschka, McBryde, Jellema, Galloway, Jamian and Ryan and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 479a of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended by Act No. 407 of the Public Acts of 1988, being section 750.479a of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 479a of Act No. 328 of the Public Acts  
2 of 1931, as amended by Act No. 407 of the Public Acts of 1988,  
3 being section 750.479a of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 479a. (1) A driver of a motor vehicle who is given by  
6 hand, voice, emergency light, or siren a visual or audible signal  
7 by a police or conservation officer, acting in the lawful  
8 performance of his or her duty, directing the driver to bring his  
9 or her motor vehicle to a stop, and who willfully fails to obey

1 that direction by increasing the speed of the vehicle,  
2 extinguishing the lights of the vehicle, or otherwise attempting  
3 to flee or elude the police or conservation officer, is guilty of  
4 a misdemeanor, and shall be punished by imprisonment for not less  
5 than 30 days nor more than 1 year, and, in addition, may be fined  
6 not more than \$1,000.00 and may be ordered to pay the costs of  
7 prosecution. The court may depart from the minimum term of  
8 imprisonment authorized under this subsection if the court finds  
9 on the record that there are substantial and compelling reasons  
10 to do so and if the court imposes community service as a part of  
11 the sentence.

12 (2) Subsection (1) does not apply unless the police or con-  
13 servation officer giving the signal is in uniform, and the vehi-  
14 cle driven by the police or conservation officer is identified as  
15 an official police or department of natural resources vehicle.

16 (3) A person who forcibly assaults or commits a bodily  
17 injury ~~which~~ THAT requires medical care or attention upon a  
18 peace or police officer of this state while the peace or police  
19 officer is engaged in making a lawful arrest, knowing ~~him or her~~  
20 ~~to be~~ THAT HE OR SHE IS a peace or police officer, is guilty of  
21 a misdemeanor, punishable by a fine of not more than \$1,000.00,  
22 or by imprisonment for not more than 2 years, or both.

23 (4) A person who violates subsection (1) within 5 years of a  
24 prior conviction of a violation of subsection (1) is guilty of a  
25 felony, and shall be punished by imprisonment for ~~a mandatory~~  
26 ~~minimum term of~~ not less than 1 year ~~and a maximum term of not~~

1 OR more than 4 years, and by a fine of not more than \$10,000.00,  
2 together with the costs of the prosecution.

3 (5) The driver of a motor vehicle who attempts to flee or  
4 elude a police or conservation officer in violation of subsection  
5 (1) and while attempting to so flee or elude causes serious  
6 bodily injury to a person, is guilty of a felony, and shall be  
7 punished by imprisonment for ~~a minimum term of~~ not less than 1  
8 year ~~and a maximum term of not~~ OR more than 4 years, and by a  
9 fine of not more than \$10,000.00, together with the costs of the  
10 prosecution. The court may depart from the minimum term of  
11 imprisonment authorized under this subsection if the court finds  
12 on the record that there are substantial and compelling reasons  
13 to do so and if the court imposes community service as a part of  
14 the sentence.

15 (6) THE DRIVER OF A MOTOR VEHICLE WHO ATTEMPTS TO FLEE OR  
16 ELUDE A POLICE OR CONSERVATION OFFICER IN VIOLATION OF SUBSECTION  
17 (1) AND WHILE ATTEMPTING TO SO FLEE OR ELUDE CAUSES DEATH TO A  
18 PERSON IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISON-  
19 MENT FOR NOT LESS THAN 4 YEARS OR MORE THAN 15 YEARS AND BY A  
20 FINE OF NOT MORE THAN \$15,000.00, TOGETHER WITH THE COSTS OF THE  
21 PROSECUTION. THE COURT MAY DEPART FROM THE MINIMUM TERM OF  
22 IMPRISONMENT AUTHORIZED UNDER THIS SUBSECTION IF THE COURT FINDS  
23 ON THE RECORD THAT THERE ARE SUBSTANTIAL AND COMPELLING REASONS  
24 TO DO SO AND IF THE COURT IMPOSES COMMUNITY SERVICE AS A PART OF  
25 THE SENTENCE.

26 (7) ~~(6)~~ As part of the sentence for a violation of  
27 subsection (1), (4), or (5), the court shall order the secretary

1 of state to suspend the person's operator's or chauffeur's  
2 license for a period of 1 year. The person shall not be eligible  
3 to receive a restricted license during the first 6 months of the  
4 period of suspension. If a term of imprisonment is served as a  
5 part of the sentence, the period of suspension of the person's  
6 license shall begin after the completion of the term of  
7 imprisonment.

8 (8) AS PART OF THE SENTENCE FOR A VIOLATION OF  
9 SUBSECTION (6), THE COURT SHALL ORDER THE SECRETARY OF STATE TO  
10 REVOKE THE PERSON'S OPERATOR'S OR CHAUFFEUR'S LICENSE. IF A TERM  
11 OF IMPRISONMENT IS SERVED AS A PART OF THE SENTENCE, THE PERIOD  
12 OF REVOCATION OF THE PERSON'S LICENSE SHALL BEGIN AFTER THE COM-  
13 PLETION OF THE TERM OF IMPRISONMENT.

14 (9) ~~(7)~~ As used in this section, "serious bodily injury"  
15 means serious impairment of a body function or permanent serious  
16 disfigurement.

17 Section 2. This amendatory act shall not take effect unless  
18 Senate Bill No. \_\_\_\_\_ or House Bill No. 4811 (request  
19 no. 04369'95 a) of the 88th Legislature is enacted into law.