



SENATE BILL No. 822

January 25, 1996, Introduced by Senator HONIGMAN and referred to the Committee on Transportation and Tourism.

A bill to amend section 602a of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 406 of the Public Acts of 1988, being section 257.602a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 602a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 406 of the Public Acts of 1988,
3 being section 257.602a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 602a. (1) IF AFTER SUNSET BUT BEFORE SUNRISE A DRIVER
6 OF A MOTOR VEHICLE IS GIVEN BY HAND, VOICE, EMERGENCY LIGHT, OR
7 SIREN A VISUAL OR AUDIBLE SIGNAL BY A POLICE OR CONSERVATION
8 OFFICER, ACTING IN THE LAWFUL PERFORMANCE OF HIS OR HER DUTY,
9 DIRECTING THE DRIVER TO BRING HIS OR HER MOTOR VEHICLE TO A STOP,

1 THE DRIVER OF THE MOTOR VEHICLE SHALL IMMEDIATELY TURN ON THE
2 INTERIOR LIGHTS OF THE MOTOR VEHICLE. A driver of a motor vehicle
3 who is given by hand, voice, emergency light, or siren a visual
4 or audible signal by a police or conservation officer, acting in
5 the lawful performance of his or her duty, directing the driver
6 to bring his or her motor vehicle to a stop, and who willfully
7 fails to obey that direction by increasing the speed of the motor
8 vehicle, extinguishing the lights of the motor vehicle, or other-
9 wise attempting to flee or elude the officer, is guilty of a mis-
10 demeanor, and shall be punished by imprisonment for not less than
11 30 days nor more than 1 year, and, in addition, may be fined not
12 more than \$1,000.00 and may be ordered to pay the costs of the
13 prosecution. The court may depart from the minimum term of
14 imprisonment authorized under this subsection if the court finds
15 on the record that there are substantial and compelling reasons
16 to do so and if the court imposes community service as a part of
17 the sentence.

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

22 (3) A person who violates subsection (1) within 5 years of a
23 prior conviction of a violation of subsection (1) is guilty of a
24 felony, and shall be punished by imprisonment for a mandatory
25 minimum term of not less than 1 year and a maximum term of not
26 more than 4 years, and by a fine of not more than \$10,000.00,
27 together with the costs of the prosecution.

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

13 (5) As part of the sentence for a violation of
14 subsection (1), (3), or (4), the court shall order the secretary
15 of state to suspend the person's operator's or chauffeur's
16 license for a period of 1 year. The person shall not be eligible
17 to receive a restricted license pursuant to section 323 or 323a
18 during the first 6 months of the period of suspension. If a term
19 of imprisonment is served as a part of the sentence, the period
20 of suspension of the person's license shall begin after the com-
21 pletion of the term of imprisonment.

22 (6) As used in this section, "serious bodily injury" means
23 serious impairment of a body function or permanent serious
24 disfigurement.