

PRECAUTIONS REGARDING BLIND PEDESTRIANS

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House Bills 5404 and 5405 as introduced

Sponsor: Rep. Veronica A. Paiz

Committee: Judiciary

Complete to 5-21-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Together, House Bills 5404 and 5405 would provide enhanced penalties for violations of law in which a driver approaches a crosswalk or any other pedestrian crossing without taking all necessary precautions to avoid accident or injury to a blind pedestrian carrying a cane or using a dog guide or walker.

House Bill 5405 would amend 1937 PA 10, which prohibits the driver of a vehicle from approaching a crosswalk or any other pedestrian crossing without taking all necessary precautions to avoid accident or injury to a *blind* pedestrian carrying a *cane* or using a *dog guide* or *walker*. A person who violates this provision is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both.

Blind means a person who has a visual acuity of 20/200 or less in the better eye with correction, or has limitation of their field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

Cane means an aid used by a blind pedestrian for travel and identification purposes that is predominantly white or metallic in color¹ with or without a red tip.

Dog guide means a dog, in harness, that has been formally trained and that is used by a blind person as a travel aid.

Walker means an aid used by a blind pedestrian for travel and identification purposes that is white in color or has white legs with or without a red tip.

The bill would provide that a person who violates this provision is guilty of a crime as follows:

- Except as provided below, a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$100 to \$500, or both imprisonment and a fine.
- If the violation causes injury to a blind individual or their dog guide, a misdemeanor punishable by imprisonment up to one year or a fine of up to \$1,000, or both.
- If the violation causes the death of a blind individual or their dog guide, a felony punishable by imprisonment for up to 15 years or a fine of up to \$7,500, or both.

MCL 752.51a and 752.53

¹ The law currently has “white in color,” which the bill would change to “predominantly white or metallic in color.”

House Bill 5404 would amend the Code of Criminal Procedure to add the felony proposed by HB 5405 to the sentencing guidelines provisions. Under the bill, failure of a driver to avoid an accident as described above that causes the death of a blind individual or their dog guide would be a Class C crime against a person with a maximum term of imprisonment of 15 years. The bill could not take effect unless HB 5405 were also enacted.

MCL 777.17b

FISCAL IMPACT:

House Bill 5405 would have an indeterminate fiscal impact on the state and on local units of government. The fiscal impact would depend on the number of convictions that result under provisions of the bill. Under the bill, a person causing injury to a blind individual or to their dog guide would be guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$1,000, or both. Misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. A person causing the death of a blind individual, or the death of their dog guide, would be guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$7,500, or both. Felony convictions would result in increased costs related to state prisons and state parole and felony probation supervision. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. The fiscal impact on local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs. Because there is no practical way to determine the number of violations or convictions that would occur under provisions of the bill, an estimate of costs and penal fine revenues cannot be made.

House Bill 5404 is a companion bill to House Bill 5405. The bill would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the proposed felony included in HB 5405, failure of a driver to avoid causing the death of a blind individual or a dog guide in a crosswalk, as a Class C felony. Class C felonies are punishable by a statutory maximum of 15 years. The bill would not have a direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.