

HOUSE BILL No. 4821

May 14, 1991, Introduced by Reps. Bouchard, Horton, Middleton, Bobier, Fitzgerald, Oxender, Shugars, McNutt and McBryde and referred to the Committee on Judiciary.

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) 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 motor vehicle,
2 extinguishing the lights of the motor vehicle, or otherwise
3 attempting to flee or elude the officer, is guilty of a
4 ~~misdemeanor~~ FELONY, and shall be punished by imprisonment for
5 not less than ~~30 days nor~~ 1 YEAR OR more than ~~1 year~~ 4 YEARS,
6 and, in addition, may be fined not more than \$1,000.00 and may be
7 ordered to pay the costs of the prosecution. The court may
8 depart from the minimum term of imprisonment authorized under
9 this subsection if the court finds on the record that there are
10 substantial and compelling reasons to do so and if the court
11 imposes community service as a part of 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 violates subsection (1) within 5 years of a
17 prior conviction of a violation of subsection (1) is guilty of a
18 felony, and shall be punished by imprisonment for ~~a mandatory~~
19 ~~minimum term of~~ not less than 1 year ~~and a maximum term of~~ OR
20 not more than 4 years, and by a fine of not more than \$10,000.00,
21 together with the costs of the prosecution.

22 (4) The driver of a motor vehicle who attempts to flee or
23 elude a police or conservation officer in violation of subsection
24 (1) and while attempting to so flee or elude causes serious
25 bodily injury to a person, is guilty of a felony, and shall be
26 punished by imprisonment for ~~a minimum term of~~ not less than 1
27 year ~~and a maximum term of not~~ OR more than 4 years, and by a

1 fine of not more than \$10,000.00, together with the costs of the
2 prosecution. The court may depart from the minimum term of
3 imprisonment authorized under this subsection if the court finds
4 on the record that there are substantial and compelling reasons
5 to do so and if the court imposes community service as a part of
6 the sentence.

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

16 (6) As used in this section, "serious bodily injury" means
17 serious impairment of a body function or permanent serious
18 disfigurement.