



# HOUSE BILL No. 5425

March 17 1994 Introduced by Reps Rocca Porreca Kukuk Gustafson Kaza and London 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~~ EXCEPT AS OTHERWISE PROVIDED IN  
6 THIS SECTION AN OPERATOR of a motor vehicle who is given by  
7 hand voice emergency light or siren a visual or audible signal  
8 by a police or conservation officer, acting in the lawful  
9 performance of his or her duty ~~—~~ AND directing the ~~driver~~

1 OPERATOR to bring ~~his or her~~ THE motor vehicle to a stop and  
2 who willfully fails to obey that direction by increasing the  
3 speed of the motor vehicle extinguishing the lights of the motor  
4 vehicle or otherwise attempting to flee or elude the officer ~~—~~  
5 is guilty of a misdemeanor ~~—~~ and shall be punished by imprison-  
6 ment for not less than 30 days ~~nor~~ OR more than 1 year ~~—and—~~  
7 ~~in addition may be fined~~ AND MAY BE ORDERED TO PAY A FINE OF  
8 not more than \$1 000 00 ~~and~~ THE COURT may ~~be ordered~~ ORDER  
9 THE INDIVIDUAL to pay the costs of the prosecution The court  
10 may depart from the minimum term of imprisonment authorized under  
11 this subsection if the court finds on the record that there are  
12 substantial and compelling reasons to do so and if the court  
13 imposes community service as a part of the sentence

14 (2) AN OPERATOR OF A MOTOR VEHICLE WHO IS GIVEN BY HAND  
15 VOICE EMERGENCY LIGHT OR SIREN A VISUAL OR AUDIBLE SIGNAL BY A  
16 POLICE OR CONSERVATION OFFICER ACTING IN THE LAWFUL PERFORMANCE  
17 OF HIS OR HER DUTY AND DIRECTING THE OPERATOR TO BRING THE MOTOR  
18 VEHICLE TO A STOP AND WHO WILLFULLY FAILS TO OBEY THAT DIRECTION  
19 BY INCREASING THE SPEED OF THE MOTOR VEHICLE EXTINGUISHING THE  
20 LIGHTS OF THE MOTOR VEHICLE OR OTHERWISE ATTEMPTING TO FLEE OR  
21 ELUDE THE POLICE OR CONSERVATION OFFICER, AND WHO DURING THE  
22 COURSE OF THAT VIOLATION OPERATES THE MOTOR VEHICLE IN WILLFUL OR  
23 WANTON DISREGARD FOR THE SAFETY OF ANY PERSON OR PROPERTY IS  
24 GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED BY IMPRISONMENT FOR  
25 NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS OR MAY BE ORDERED TO  
26 PAY A FINE OF NOT MORE THAN \$1 000 00 OR BOTH THE COURT MAY  
27 ORDER THE INDIVIDUAL TO PAY THE COSTS OF PROSECUTION THE COURT

1 SHALL NOT DEPART FROM THE MINIMUM TERM OF IMPRISONMENT AUTHORIZED  
2 UNDER THIS SUBSECTION

3       (3) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (2) DO not  
4 apply unless the police or conservation officer giving the signal  
5 is in uniform and the MOTOR vehicle driven by the police or con-  
6 servation officer is identified as an official police or depart-  
7 ment of natural resources vehicle

8       (4) ~~(3) A person~~ AN INDIVIDUAL who violates subsection (1)  
9 within 5 years of a prior conviction of a violation of subsection  
10 (1) OR (2) is guilty of a felony — and shall be punished by  
11 imprisonment for ~~a mandatory minimum term of~~ not less than 1  
12 year ~~and a maximum term of not~~ OR more than 4 years ~~, and by~~  
13 AND MAY BE ORDERED TO PAY a fine of not more than \$10 000 00 —  
14 ~~together with~~ THE COURT MAY ORDER THE INDIVIDUAL TO PAY the  
15 costs of the prosecution

16       (5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (2) WITHIN 5 YEARS  
17 OF A PRIOR CONVICTION OF A VIOLATION OF SUBSECTION (1) OR (2) IS  
18 GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT  
19 LESS THAN 2 YEARS OR MORE THAN 6 YEARS AND MAY BE ORDERED TO PAY  
20 A FINE OF NOT MORE THAN \$10 000 00 THE COURT MAY ORDER THE  
21 INDIVIDUAL TO PAY THE COSTS OF THE PROSECUTION

22       (6) ~~(4) The driver~~ OPERATOR of a motor vehicle who  
23 attempts to flee or elude a police or conservation officer in  
24 violation of subsection (1) and while attempting to so flee or  
25 elude causes serious bodily injury to ~~a person~~ AN INDIVIDUAL  
26 is guilty of a felony — and shall be punished by imprisonment  
27 for ~~a minimum term of~~ not less than 1 year ~~and a maximum term~~

1 ~~of not~~ OR more than 4 years ~~— and by~~ AND MAY BE ORDERED TO PAY  
 2 a fine of not more than \$10 000 00 ~~— together with~~ THE COURT  
 3 MAY ORDER THE INDIVIDUAL TO PAY the costs of the prosecution  
 4 The court may depart from the minimum term of imprisonment autho-  
 5 rized under this subsection if the court finds on the record that  
 6 there are substantial and compelling reasons to do so and if the  
 7 court imposes community service as a part of the sentence

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

18 (8) ~~(6)~~ As used in this section serious bodily injury  
 19 means serious impairment of a body function or permanent serious  
 20 disfigurement