



HOUSE BILL No. 5426

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 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~~ 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 police or
 5 conservation officer — is guilty of a misdemeanor ~~—~~ and shall
 6 be punished by imprisonment for not less than 30 days ~~—nor—~~ OR
 7 more than 1 year ~~—and in addition may be fined—~~ AND MAY BE
 8 ORDERED TO PAY A FINE OF not more than \$1,000 00 ~~—and—~~ THE COURT
 9 may ~~be ordered~~ ORDER THE INDIVIDUAL to pay the costs of
 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 (2) AN OPERATOR OF A MOTOR VEHICLE WHO IS GIVEN BY HAND
 16 VOICE EMERGENCY LIGHT OR SIREN A VISUAL OR AUDIBLE SIGNAL BY A
 17 POLICE OR CONSERVATION OFFICER ACTING IN THE LAWFUL PERFORMANCE
 18 OF HIS OR HER DUTY AND DIRECTING THE OPERATOR TO BRING THE MOTOR
 19 VEHICLE TO A STOP AND WHO WILLFULLY FAILS TO OBEY THAT DIRECTION
 20 BY INCREASING THE SPEED OF THE MOTOR VEHICLE EXTINGUISHING THE
 21 LIGHTS OF THE MOTOR VEHICLE OR OTHERWISE ATTEMPTING TO FLEE OR
 22 ELUDE THE POLICE OR CONSERVATION OFFICER AND WHO DURING THE
 23 COURSE OF THAT VIOLATION OPERATES THE MOTOR VEHICLE IN WILLFUL OR
 24 WANTON DISREGARD FOR THE SAFETY OF ANY PERSON OR PROPERTY IS
 25 GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED BY IMPRISONMENT FOR
 26 NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS AND MAY BE ORDERED TO
 27 PAY A FINE OF NOT MORE THAN \$1,000 00 THE COURT MAY ORDER THE

1 INDIVIDUAL TO PAY THE COSTS OF PROSECUTION THE COURT SHALL NOT
2 DEPART FROM THE MINIMUM TERM OF IMPRISONMENT AUTHORIZED UNDER
3 THIS SUBSECTION

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

9 (4) ~~(3) A person~~ AN INDIVIDUAL who forcibly assaults or
10 commits a bodily injury ~~which~~ THAT requires medical care or
11 attention upon a peace or police officer of this state while the
12 peace or police officer is engaged in making a lawful arrest
13 knowing ~~him or her to be~~ THAT HE OR SHE IS a peace or police
14 officer is guilty of a misdemeanor — punishable by ~~a fine of~~
15 ~~not more than \$1 000 00 or by~~ imprisonment for not more than 2
16 years OR A FINE OF NOT MORE THAN \$1 000 00 or both

17 (5) ~~(4) A person~~ AN INDIVIDUAL who violates subsection (1)
18 within 5 years of a prior conviction of a violation of subsection
19 (1) OR (2) is guilty of a felony — and shall be punished by
20 imprisonment for ~~a mandatory minimum term of~~ not less than 1
21 year ~~and a maximum term of not~~ OR more than 4 years ~~and by~~
22 AND MAY BE ORDERED TO PAY a fine of not more than \$10 000 00 —
23 ~~together with~~ THE COURT MAY ORDER THE INDIVIDUAL TO PAY the
24 costs of the prosecution

25 (6) AN INDIVIDUAL WHO VIOLATES SUBSECTION (2) WITHIN 5 YEARS
26 OF A PRIOR CONVICTION OF A VIOLATION OF SUBSECTION (1) OR (2) IS
27 GUILTY OF A FELONY AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT

1 LESS THAN 2 YEARS OR MORE THAN 6 YEARS AND MAY BE ORDERED TO PAY
 2 A FINE OF NOT MORE THAN \$10 000 00 THE COURT MAY ORDER THE
 3 INDIVIDUAL TO PAY THE COSTS OF THE PROSECUTION

4 (7) ~~(5)~~ The ~~driver~~ OPERATOR of a motor vehicle who
 5 attempts to flee or elude a police or conservation officer in
 6 violation of subsection (1) and while attempting to so flee or
 7 elude causes serious bodily injury to ~~a person,~~ AN INDIVIDUAL
 8 is guilty of a felony ~~,~~ and shall be punished by imprisonment
 9 for ~~a minimum term of~~ not less than 1 year ~~and a maximum term~~
 10 ~~of not~~ OR more than 4 years ~~— and by~~ AND MAY BE ORDERED TO PAY
 11 a fine of not more than \$10,000 00 ~~— together with~~ THE COURT
 12 MAY ORDER THE INDIVIDUAL TO PAY the costs of the prosecution
 13 The court may depart from the minimum term of imprisonment autho-
 14 rized under this subsection if the court finds on the record that
 15 there are substantial and compelling reasons to do so and if the
 16 court imposes community service as a part of the sentence

17 (8) ~~(6)~~ As part of the sentence for a violation of
 18 subsection (1), ~~(4)~~ ~~or~~ (5) (6) OR (7) the court shall order
 19 the secretary of state to suspend the ~~person's~~ INDIVIDUAL S
 20 operator s or chauffeur s license for ~~a period of~~ 1 year The
 21 ~~person shall~~ INDIVIDUAL IS not ~~be~~ eligible to receive a
 22 restricted license during the first 6 months of the period of
 23 suspension If a term of imprisonment is served as a part of the
 24 sentence, the period of suspension of the ~~person's~~ INDIVIDUAL S
 25 license shall begin after the completion of the term of
 26 imprisonment

1 (9) ~~-(7)-~~ As used in this section serious bodily injury
2 means serious impairment of a body function or permanent serious
3 disfigurement