



**Senate Fiscal Agency**  
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BILL ANALYSIS



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Senate Bill 378 (as reported with amendments)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to replace the current misdemeanor and felony penalties for fleeing and eluding a police or conservation officer with four degrees of the offense, each of which would be a felony.

Currently, it is a misdemeanor for a driver willfully to fail to obey a police or conservation officer who signals visually or audibly by hand, voice, emergency light, or siren directing the driver to stop. The offense is a felony if the driver has a prior conviction within the previous five years or causes serious bodily injury to a person while attempting to flee. Under the bill, the offense would be fourth-degree fleeing and eluding, punishable by up to two years' imprisonment and/or a maximum fine of \$500. A violation would be third-degree fleeing and eluding, punishable by up to five years and/or \$1,000, if it resulted in a collision or accident; part of the violation occurred where the speed limit was 35 miles an hour or less; or the driver had a prior fourth-degree conviction. A violation would be second-degree fleeing and eluding, punishable by up to 10 years and/or \$5,000, if it resulted in "serious injury" to a person; the driver had one or more prior convictions for first-, second-, or third-degree fleeing and eluding; or the driver had two or more prior fourth-degree convictions. A violation would be first-degree fleeing and eluding, punishable by up to 15 years and/or \$10,000, if it resulted in the death of another individual.

The bill would take effect on June 1, 1996, and is tie-barred to House Bill 4534, which would make similar amendments to the Michigan Vehicle Code.

MCL 750.479a

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate, yet likely minimal, fiscal impact on the Department of Corrections (DOC). Potential cost increases would be the result of the increased penalties associated with fourth-, third-, second- and first-degree fleeing and eluding. According to data provided by the DOC, in 1992 and 1993 there were a total of 44 convictions for violations of the existing fleeing and eluding statute, 20 receiving a prison sentence. Only five, however, were admitted to the DOC under the fleeing and eluding statute, possibly indicating that convictions involving other (likely more serious) violations may have been admitted under the more severe statute. (In practice, individuals are admitted under only one statute, even if they are convicted of multiple offenses.) For example, a violation for fleeing and eluding involving injury or death may have been counted as a commitment under negligent homicide, rather than fleeing and eluding. The increased costs of this bill, then, would result from the increased lengths of sentences imposed over current practices. Given the relatively few annual convictions, even if sentences were increased, on average by three years, total costs would increase at most by approximately \$225,000.

Date Completed: 10-26-95

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.