

LEAVING SCENE OF ACCIDENT

Senate Bill 469 (Substitute H-3)
Senate Bill 470 (Substitute H-2)
Sponsor: Sen. Loren Bennett

Addendum to SFA Analysis (10-17-01)

Senate Committee: Judiciary
House Committee: Criminal Justice

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 469-470 DATED 8-22-01:

HOUSE COMMITTEE ACTION:

Senate Bill 469. The House Criminal Justice Committee adopted a substitute bill for Senate Bill 469 that would make the following substantive changes:

- Increase the penalty for a person who left the scene of an accident that he or she caused and that resulted in the death of another person, so that the person would be guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000, or both. The current penalty for leaving the scene of an accident resulting in serious injury would remain the same for those drivers who did not cause the accident; however, the term “serious or aggravated injury” would be changed to “serious impairment of a body function”, which is defined in various drunk driving-related provisions.

- Provide an effective date of February 1, 2002 for the provision increasing the penalty for a hit-and-run violation when the driver is at fault as well as for other related changes in the bill. The rest of the amendatory provisions would take effect upon the governor signing the bill and filing the bill with the secretary of state.

- Incorporate changes to several sections of the Michigan Vehicle Code contained in Public Act 103 of 2001 and also expected changes when House Bill 4813, which has passed both houses, is enrolled.

The committee substitute also contains several minor and technical changes proposed by the Secretary of State’s Office to:

- Provide that the secretary of state not issue a license to a person whose license is suspended, revoked, denied, or canceled in any state. If the license sanction were not from the jurisdiction that issued the last license to the person, then the secretary of state could issue a license after the expiration of five years from the effective date of the most recent suspension, revocation, denial, or cancellation.

- Update which national data bases the secretary of state must check when a person who was previously licensed in another jurisdiction applies for a Michigan driver’s license.

- Provide clarification for a provision directing the secretary of state to revoke or suspend a license notwithstanding a court order by adding “unless the court order complies with Section 323.” (Section 323 limits the circumstances in which the circuit court can restore a license on appeal.)

- Consolidate license revocation or denial provisions into Section 303, and suspension provisions into Section 319.

- Correct references to several citations.

Senate Bill 470. The Criminal Justice Committee also adopted a substitute for Senate Bill 470. The committee substitute would specify that failure to stop at the scene of an accident resulting in serious impairment or death would be a Class E felony against a person with a maximum sentence of imprisonment of five years. Failure to stop at the scene of an accident resulting in death when at fault would be a Class C felony with a maximum prison sentence of 15 years. The substitute would also incorporate changes contained within Public Act 104 of 2001 and sentencing guidelines in Senate Bill 405 and Senate Bill 675, both of which are expected to be enrolled. The committee substitute would also specify a February 1, 2002 effective date.

POSITIONS:

The Secretary of State’s Office supports the bills. (10-16-01)

MADD Michigan has no formal position, but supports the concept of the bills. (10-16-01)

The Department of State Police is neutral on SB 469. (10-16-01)

Analyst: S. Stutzky

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