

SENATE BILL No. 1250

April 25, 2002, Introduced by Senators SCHWARZ and VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 36 of chapter IX and section 14m of chapter
XVII (MCL 769.36 and 777.14m), section 36 of chapter IX as added
by 2001 PA 246 and section 14m of chapter XVII as added by 2002
PA 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 36. (1) A person may be charged with and convicted of
any of the following for each death arising out of the same crim-
inal transaction, and the court may order the terms of imprison-
ment to be served consecutively to each other:

(a) Section 602a(5), 617(3), 625(4), or 904(4) of the
Michigan vehicle code, 1949 PA 300, MCL 257.602a, 257.617,
257.625, and 257.904.

1 (b) Section 317 or 321 of the Michigan penal code, 1931
2 PA 328, MCL 750.317 and 750.321, where death results from the
3 operation of a vehicle, vessel, ORV, snowmobile, aircraft, or
4 locomotive, or section 479a(5) of the Michigan penal code, 1931
5 PA 328, MCL 750.479a.

6 (c) Section 80176(4), 81134(7), or 82127(4) of the natural
7 resources and environmental protection act, 1994 PA 451,
8 MCL 324.80176, 324.81134, and 324.82127.

9 (d) Section 185(4) of the aeronautics code of the state of
10 Michigan, 1945 PA 327, MCL 259.185.

11 (e) Section ~~353~~ 353(6) of the railroad code of 1993, 1993
12 PA 354, MCL 462.353. ~~, resulting in death.~~

13 (2) As used in this section:

14 (a) "Aircraft" means that term as defined in section ~~4~~ 2
15 of the aeronautics code of the state of Michigan, 1945 PA 327,
16 ~~MCL 259.4~~ MCL 259.2.

17 (b) "ORV" means that term as defined in section 81101 of the
18 natural resources and environmental protection act, 1994 PA 451,
19 MCL 324.81101.

20 (c) "Snowmobile" means that term as defined in section 82101
21 of the natural resources and environmental protection act, 1994
22 PA 451, MCL 324.82101.

23 (d) "Vehicle" means that term as defined in section 79 of
24 the Michigan vehicle code, 1949 PA 300, ~~MCL 257.49~~ MCL 257.79.

25 (e) "Vessel" means that term as defined in section 80104 of
26 the natural resources and environmental protection act, 1994
27 PA 451, MCL 324.80104.

1 CHAPTER XVII

2 Sec. 14m. This chapter applies to the following felonies
 3 enumerated in chapters 460 to 473 of the Michigan Compiled Laws:

4	M.C.L.	Category Class		Description	Stat Max
5	462.257(1)	Person	A	Trains -- endangering	
6				travel	Life
7	462.353(5)	Pub saf	E	Operating a locomotive	
8				under the influence --	
9				third or subsequent	
10				offense	4 5
11	462.353(6)	PERSON	C	OPERATING LOCOMOTIVE	
12				UNDER THE INFLUENCE OR	
13				WHILE IMPAIRED CAUSING	
14				DEATH	15
15	462.353(7)	PERSON	E	OPERATING LOCOMOTIVE	
16				UNDER THE INFLUENCE OR	
17				WHILE IMPAIRED CAUSING	
18				SERIOUS IMPAIRMENT	5
19	472.36	Pub saf	A	Street railways --	
20				obstruction of track	Life

1 Enacting section 1. This amendatory act does not take
2 effect unless Senate Bill No. 1251
3 of the 91st Legislature is enacted into
4 law.