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EXTEND STATUTE OF LIMITATIONS FOR VEHICULAR HOMICIDE

House Bill 4447

Sponsor: Rep. Jim Plakas

Committee: Criminal Justice

Complete to 9-2-03

A SUMMARY OF HOUSE BILL 4447 AS INTRODUCED 3-25-03

The bill would amend the Michigan Penal Code to extend the statute of limitations for filing an indictment for vehicle-related deaths from 10 to 15 years.

The bill would specify that an indictment for manslaughter arising out of the operation of a motor vehicle, for negligent homicide, or for causing the death of a person when operating a vehicle in violation of Section 625(4) of the Michigan Vehicle Code could be filed at any time within 15 years after the offenses were committed. Currently, the code states that certain crimes, including manslaughter, must be filed within 10 years after the offense is committed. Under the code, negligent homicide is included within a crime of manslaughter charged to have been committed in the operation of a vehicle.

[Section 625(4) of the Michigan Vehicle Code makes it a felony offense to cause the death of another person when operating a vehicle in violation of the vehicle code's drunk driving prohibitions – specifically subsections (1), (3), and (8). Beginning October 1, 2003, when Public Act 61 of 2003 takes effect, Section 625(1) will apply to a person operating a vehicle while intoxicated (under the influence of alcohol, controlled substances, or both or a bodily alcohol content of 0.08 percent or more); Section 625(3) will apply to a person operating a vehicle while visibly impaired by alcohol, controlled substances, or both; and Section 625(8) will apply to a person operating a vehicle with any bodily amount of a Schedule 1 controlled substance or cocaine. Schedule 1 drugs include heroin, LSD, marijuana, and Ecstasy.]

MCL 767.24

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House Bill 4447 (9-2-03)