

HOUSE BILL No. 5634

May 10, 2016, Introduced by Reps. Lucido and Kosowski and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 36 of chapter IX and section 12h of chapter XVII (MCL 769.36 and 777.12h), section 36 of chapter IX as amended by 2002 PA 659 and section 12h of chapter XVII as added by 2002 PA 34.

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 criminal transaction, and the court may order the terms of imprisonment to be served consecutively to each other:

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

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

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

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

(e) Section 353(6) of the railroad code of 1993, 1993 PA 354, MCL 462.353.

(2) As used in this section:

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

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

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

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

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

CHAPTER XVII

Sec. 12h. This chapter applies to the following felonies enumerated in chapters VII, VIII, and IX of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.902	Pub saf	E	Motor vehicle code violations	5
257.903(1)	Property	E	Motor vehicle code – false certification – first offense	5
257.903(2)	Property	E	Motor vehicle code – false certification – second offense	7
257.903(3)	Property	D	Motor vehicle code – false certification – third or subsequent offense	15
257.904(4) 257.904(5)	Person	C	Operating a vehicle without a license causing death	15
257.904(5) 257.904(6)	Person	E	Operating a vehicle without a license causing serious impairment	5
257.904(7) 257.904(8)	Person	G	Allowing a vehicle to be operated without a license causing serious impairment	2
	Person	E	Allowing a vehicle to be operated without a license causing death	5

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect

- 1 unless Senate Bill No. ____ or House Bill No. 5633 (request no.
- 2 05338'16) of the 98th Legislature is enacted into law.