

# HOUSE BILL No. 4700

May 2, 2001, Introduced by Reps. Woronchak, Gilbert, Spade, Raczkowski, Birkholz, Julian, Sanborn, Ehardt, Pappageorge, Voorhees and Tabor and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 602a (MCL 257.602a), as amended by 1999  
PA 73.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 602a. (1) A driver of a motor vehicle who is given by  
2 hand, voice, emergency light, or siren a visual or audible signal  
3 by a police or conservation officer, acting in the lawful per-  
4 formance of his or her duty, directing the driver to bring his or  
5 her motor vehicle to a stop shall not willfully fail to obey that  
6 direction by increasing the speed of the motor vehicle, extin-  
7 guishing the lights of the motor vehicle, or otherwise attempting  
8 to flee or elude the officer. This subsection does not apply  
9 unless the police or conservation officer giving the signal is in

1 uniform and the officer's vehicle is identified as an official  
2 police or department of natural resources vehicle.

3 (2) Except as provided in subsection (3), (4), or (5), an  
4 individual who violates subsection (1) is guilty of fourth-degree  
5 fleeing and eluding, a felony punishable by imprisonment for not  
6 more than 2 years, ~~or a fine of~~ AND SHALL BE FINED not LESS  
7 THAN \$200.00 OR more than \$500.00, or both.

8 (3) Except as provided in subsection (4) or (5), an individ-  
9 ual who violates subsection (1) UNDER ANY OF THE FOLLOWING  
10 CIRCUMSTANCES is guilty of third-degree fleeing and eluding: ~~—,~~  
11 ~~a felony punishable by imprisonment for not more than 5 years or~~  
12 ~~a fine of not more than \$1,000.00, or both, if 1 or more of the~~  
13 ~~following circumstances apply~~ AS FOLLOWS:

14 (a) ~~The~~ IF THE violation results in a collision or  
15 accident, THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY  
16 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN  
17 \$1,000.00, OR BOTH.

18 (b) ~~A~~ IF A portion of the violation occurred in an area  
19 where the speed limit is 35 miles an hour or less, whether that  
20 speed limit is posted or imposed as a matter of law, THE INDIVID-  
21 UAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
22 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

23 (c) ~~The~~ IF THE individual has a prior conviction for  
24 fourth-degree fleeing and eluding, attempted fourth-degree flee-  
25 ing and eluding, or fleeing and eluding under a current or former  
26 law of this state prohibiting substantially similar conduct, THE  
27 INDIVIDUAL IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY

1 IMPRISONMENT FOR NOT LESS THAN 180 DAYS OR MORE THAN 5 YEARS AND  
2 MAY BE ORDERED TO PAY A FINE OF NOT MORE THAN \$1,000.00.

3 (4) Except as provided in subsection (5), an individual who  
4 violates subsection (1) UNDER ANY OF THE FOLLOWING CIRCUMSTANCES  
5 is guilty of second-degree fleeing and eluding ~~, a felony pun-~~  
6 ~~ishable by imprisonment for not more than 10 years or a fine of~~  
7 ~~not more than \$5,000.00, or both, if 1 or more of the following~~  
8 ~~circumstances apply~~ AS FOLLOWS:

9 (a) ~~The~~ IF THE violation results in serious injury to an  
10 individual, THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY  
11 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE  
12 THAN \$5,000.00, OR BOTH.

13 (b) ~~The~~ IF THE individual has 1 or more prior convictions  
14 for first-, second-, or third-degree fleeing and eluding,  
15 attempted first-, second-, or third-degree fleeing and eluding,  
16 or fleeing and eluding under a current or former law of this  
17 state prohibiting substantially similar conduct, THE INDIVIDUAL  
18 IS GUILTY OF A FELONY AND SHALL BE PUNISHED FOR NOT LESS THAN 180  
19 DAYS OR MORE THAN 10 YEARS AND MAY BE FINED NOT MORE THAN  
20 \$5,000.00.

21 (c) ~~The~~ IF THE individual has any combination of 2 or more  
22 prior convictions for fourth-degree fleeing and eluding,  
23 attempted fourth-degree fleeing and eluding, or fleeing and elud-  
24 ing under a current or former law of this state prohibiting sub-  
25 stantially similar conduct, THE INDIVIDUAL IS GUILTY OF A FELONY  
26 AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT LESS THAN 180 DAYS

1 OR MORE THAN 10 YEARS AND MAY BE FINED OF NOT MORE THAN  
2 \$5,000.00.

3 (5) If the violation results in the death of another indi-  
4 vidual, an individual who violates subsection (1) is guilty of  
5 first-degree fleeing and eluding, a felony punishable by impris-  
6 onment for not more than 15 years or a fine of not more than  
7 \$10,000.00, or both.

8 (6) A conviction under this section does not prohibit a con-  
9 viction and sentence under any other applicable provision, except  
10 section 479a(2), (3), (4), or (5) of the Michigan penal code,  
11 1931 PA 328, MCL 750.479a, for conduct arising out of the same  
12 transaction.

13 (7) THE COURT MAY ORDER A SENTENCE IMPOSED FOR VIOLATING  
14 THIS SECTION TO BE SERVED CONSECUTIVELY TO A SENTENCE IMPOSED FOR  
15 ANY OTHER VIOLATION ARISING OUT OF THE SAME TRANSACTION.

16 (8) ~~—(7)—~~ As used in this section, "serious injury" means a  
17 physical injury that is not necessarily permanent, but that con-  
18 stitutes serious bodily disfigurement or that seriously impairs  
19 the functioning of a body organ or limb. Serious injury  
20 includes, but is not limited to, 1 or more of the following:

21 (a) Loss of a limb or use of a limb.

22 (b) Loss of a hand, foot, finger, or thumb or use of a hand,  
23 foot, finger, or thumb.

24 (c) Loss of an eye or ear or use of an eye or ear.

25 (d) Loss or substantial impairment of a bodily function.

26 (e) Serious visible disfigurement.

- 1 (f) A comatose state that lasts for more than 3 days.
- 2 (g) Measurable brain damage or mental impairment.
- 3 (h) A skull fracture or other serious bone fracture.
- 4 (i) Subdural hemorrhage or hematoma.