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BILL



ANALYSIS

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Senate Bills 421 and 422 (as introduced 6-30-15)
Sponsor: Senator Curtis Hertel, Jr. (S.B. 421)
Senator Rick Jones (S.B. 422)
Committee: Judiciary

Date Completed: 9-21-15

CONTENT

Senate Bill 421 would amend the Michigan Vehicle Code to do the following:

- **Prescribe a misdemeanor penalty for failure to yield to an approaching emergency vehicle, which currently is a civil infraction.**
- **Prescribe felony penalties for failure to yield to an emergency vehicle, causing injury or death to emergency personnel.**

Senate Bill 422 would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 421 to the sentencing guidelines.

The bills would take effect 90 days after their enactment. Senate Bill 422 is tie-barred to Senate Bill 421.

Senate Bill 421

Under the Michigan Vehicle Code, upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted flashing, rotating, or oscillating lamp exhibiting a red or blue light visible from a distance of 500 feet under normal atmospheric conditions, and when the driver of the emergency vehicle is giving an audible signal by siren, exhaust whistle, or bell, the driver of another vehicle must yield the right of way and immediately drive to a position parallel to and as close as possible to the right edge or curb or the roadway, clear of an intersection. The yielding driver must stop and remain in that position until the emergency vehicle has passed, unless otherwise directed by a police officer. The provision also requires the operator of a streetcar to immediately stop the car, clear of an intersection, and keep it in that position until the emergency vehicle has passed, unless otherwise directed by a police officer. A violation is a civil infraction. Under the bill, a violation would be a misdemeanor, punishable by a maximum fine of \$500 and/or up to 90 days' imprisonment.

In addition, a person who failed to yield to an emergency vehicle as described above and caused injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the approaching emergency vehicle would be guilty of a felony punishable by a maximum fine of \$1,000 and/or up to two years' imprisonment.

Failure to yield to an emergency vehicle causing the death of a police officer, firefighter, or other emergency response personnel in the immediate area of the approaching emergency vehicle would be a felony punishable by a maximum fine of \$7,500 and/or up to 15 years' imprisonment.

(Under the Code, except as provided for specific violations, the maximum fine for a civil infraction is \$100, or \$250 if the violator was driving a commercial vehicle. A violator also is liable for costs of up to \$100 and a \$40 justice system assessment.)

Senate Bill 422

Under the bill, failure to yield or stop for an approaching emergency vehicle, causing injury to emergency personnel, would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment. Failure to yield or stop, causing death to emergency personnel, would be a Class C felony against a person, with a statutory maximum sentence of 15 years in prison.

MCL 257.653 (S.B. 421)
777.12g (S.B. 422)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 421

The bill could result in a cost to local and State government. As the bill would increase the violation from a civil infraction to a misdemeanor and also create felony penalties for causing injury or death, there could be an increased cost to local courts and law enforcement. For any felony conviction, in the short term, the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year.

Senate Bill 422

The bill would have no fiscal impact on local government, but could result in a cost to the State. According to one interpretation of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law), the sentencing guidelines are advisory for all cases even after the scoring of the offense is completed. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction would depend on judicial decisions.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.