

HOUSE BILL No. 6263

November 13, 1990, Introduced by Rep. Profit and referred to the Committee on Judiciary.

A bill to amend section 479a of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as amended by Act No. 407 of the Public Acts of 1988, being section 750.479a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 479a of Act No. 328 of the Public Acts
2 of 1931, as amended by Act No. 407 of the Public Acts of 1988,
3 being section 750.479a of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 479a. (1) A driver of a motor vehicle who is given by
6 hand, voice, emergency light, or siren a visual or audible signal
7 by a police or conservation officer, acting in the lawful
8 performance of his or her duty, directing the driver to bring his
9 or her motor vehicle to a stop, and who willfully fails to obey

1 that direction by increasing the speed of the vehicle,
2 extinguishing the lights of the vehicle, or otherwise attempting
3 to flee or elude the police or conservation officer, is guilty of
4 a ~~misdemeanor~~ FELONY, and shall be punished by imprisonment for
5 not less than 30 days ~~nor~~ OR more than ~~1 year~~ 4 YEARS, and,
6 in addition, may be fined not more than \$1,000.00 and may be
7 ordered to pay the costs of prosecution. The court may depart
8 from the minimum term of imprisonment authorized under this sub-
9 section if the court finds on the record that there are substan-
10 tial and compelling reasons to do so and if the court imposes
11 community service as a part of the sentence.

12 (2) Subsection (1) does not apply unless the police or con-
13 servation officer giving the signal is in uniform, and the vehi-
14 cle driven by the police or conservation officer is identified as
15 an official police or department of natural resources vehicle.

16 (3) A person who forcibly assaults or commits a bodily
17 injury which requires medical care or attention upon a peace or
18 police officer of this state while the peace or police officer is
19 engaged in making a lawful arrest, knowing him or her to be a
20 peace or police officer, is guilty of a misdemeanor, punishable
21 by a fine of not more than \$1,000.00, or by imprisonment for not
22 more than 2 years, or both.

23 (4) A person who violates subsection (1) within 5 years of a
24 prior conviction of a violation of subsection (1) is guilty of a
25 felony, and shall be punished by imprisonment for a mandatory
26 minimum term of not less than 1 year and a maximum term of not

1 more than 4 years, and by a fine of not more than \$10,000.00,
2 together with the costs of the prosecution.

3 (5) The driver of a motor vehicle who attempts to flee or
4 elude a police or conservation officer in violation of subsection
5 (1) and while attempting to so flee or elude causes serious
6 bodily injury to a person, is guilty of a felony, and shall be
7 punished by imprisonment for a minimum term of not less than 1
8 year and a maximum term of not more than 4 years, and by a fine
9 of not more than \$10,000.00, together with the costs of the
10 prosecution. The court may depart from the minimum term of
11 imprisonment authorized under this subsection if the court finds
12 on the record that there are substantial and compelling reasons
13 to do so and if the court imposes community service as a part of
14 the sentence.

15 (6) As part of the sentence for a violation of
16 subsection (1), (4), or (5), the court shall order the secretary
17 of state to suspend the person's operator's or chauffeur's
18 license for a period of 1 year. The person shall not be eligible
19 to receive a restricted license during the first 6 months of the
20 period of suspension. If a term of imprisonment is served as a
21 part of the sentence, the period of suspension of the person's
22 license shall begin after the completion of the term of
23 imprisonment.

24 (7) As used in this section, "serious bodily injury" means
25 serious impairment of a body function or permanent serious
26 disfigurement.