

Legislative Analysis



INCREASE PENALTY FOR RECKLESS DRIVING

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House Bill 5820 (Substitute H-1)
Sponsor: Rep. Alexander C. Lipsey
Committee: Criminal Justice
First Analysis (5-20-04)

BRIEF SUMMARY: The bill would amend the Michigan Vehicle Code to increase the penalties for reckless driving.

FISCAL IMPACT: A fiscal analysis is not yet completed.

THE APPARENT PROBLEM:

Under current law, local governments can adopt criminal ordinances for certain misdemeanors as long as the ordinances substantially correspond with the state law. When a violation of law occurs, the offender is then cited under the local ordinance. A situation recently occurred in which a person was cited under a local ordinance for reckless driving in a parking lot. However, the city attorney felt that the current penalties for the crime (up to 90 days in jail and/or a maximum \$100 fine) were too low for the seriousness of the offense and requested that the legislature amend the state law so that local governments could also increase the penalties in their ordinances for reckless driving.

THE CONTENT OF THE BILL:

Currently, the Michigan Vehicle Code makes an offense of reckless driving punishable by imprisonment up to 90 days and a fine of not more than \$100, or both. The bill would specify that a violation would be a misdemeanor punishable by imprisonment for not more than 93 days, a fine of up to \$500, or both.

The bill would take effect 90 days after enactment.

MCL 257.626

ARGUMENTS:

For:

The penalty for reckless driving has remained unchanged since 1966 and needs to be increased to reflect the seriousness of the offense. Most other misdemeanor offenses in state law carry a fine of up to \$500, and the increase in the maximum term of imprisonment to 93 days will trigger mandatory fingerprint reporting and retention requirements that include requiring a set of fingerprints to be sent to the Federal Bureau of Investigation immediately upon arrest. This will enable law enforcement officers and

the secretary of state to better track repeat offenders as well as identify any offenders that may have outstanding arrest warrants for other crimes. The legislation is also needed as local governments that wish to increase the penalty for reckless driving cannot do so until the state law is changed.

POSITIONS:

There are no positions on the bill.

Legislative Analyst: Susan Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.