

Legislative Analysis



FLEEING AND ELUDING

Phone: (517) 373-8080
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House Bill 4690 (H-1) as reported from committee
Sponsor: Rep. Rylee Linting

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4691 (H-1) as reported from committee
Sponsor: Rep. Mike Mueller

Committee: Judiciary
Complete to 10-22-25

SUMMARY:

House Bills 4690 and 4691 would respectively amend the Michigan Penal Code and Michigan Vehicle Code to provide mandatory *minimum* sentences for certain felonies collectively known as fleeing and eluding. The Vehicle Code provisions apply to vehicles, and the Penal Code provisions apply to both vehicles and vessels (i.e., watercraft).

Under current law, a driver or operator of a motor vehicle or vessel who is given a visual or audible signal (by hand, voice, emergency light, or siren) by a uniformed police or conservation officer, acting in the lawful performance of the officer's duty, directing the driver or operator to bring their motor vehicle or vessel to a stop is prohibited from willfully failing to obey that direction by doing any of the following:

- Increasing the speed of the motor vehicle or vessel.
- Extinguishing the lights of the motor vehicle or vessel.
- Otherwise attempting to flee or elude the officer.

A person who violates the above prohibition is guilty of a felony as follows:

- First-degree fleeing and eluding, if the violation results in the death of another individual.
- Second-degree fleeing and eluding, if either or both of the following apply:
 - The violation results in (under the Vehicle Code) *serious injury* to another individual or (under the Penal Code) the *serious impairment of a body function* of another individual.¹
 - The violator has certain prior fleeing and eluding convictions as specified in the respective acts.
- Third-degree fleeing and eluding, if one or more of the following apply:
 - The violation results in a collision or accident.
 - A portion of the violation occurred in an area where the speed limit is 35 miles an hour or less.
 - The violator has a prior fleeing and eluding conviction as specified in the respective acts.

¹ These terms, though apparently different, are similarly defined. The Vehicle Code defines *serious injury* as a physical injury that is not necessarily permanent, but that constitutes serious bodily disfigurement or seriously impairs the functioning of a body organ or limb, and provides a list of examples (such as serious visible disfigurement or loss of a finger) that are, at a minimum, included in the scope of the term. The Penal Code defines *serious impairment of a body function* as including all of the examples in the Vehicle Code list, as well as loss of an organ.

- Fourth-degree fleeing and eluding, if none of the conditions described above applies to the violation.

All of the above offenses are felonies. The respective acts now provide maximum penalties (terms of imprisonment, fines, or both) for a violation. Those maximums are shown in Table 1 under “Current Law.”

Except for offenses committed by an individual with one or more prior convictions, the bills would *not* change the possible maximum penalties provided in either act. The bills would add *mandatory minimum* terms of imprisonment for first-, second-, and third-degree fleeing and eluding and, separately, for fleeing and eluding with any previous convictions (which could be charged as fourth-degree fleeing and eluding or as another degree based on current provisions regarding prior convictions).

Under the bills, if a mandatory term of imprisonment is prescribed for a violation, a fine could still be imposed, but the fine would be in addition to imprisonment rather than an allowable alternative. Similarly to maximum terms of imprisonment, the bills would not change maximum fine amounts.

Table 1 shows the *maximum* penalties for fleeing and eluding felonies in current law (all of which are punishable by imprisonment, a fine, or both), and the rightmost column describes the mandatory *minimum* sentences for each offense degree that are proposed in the bills.

Table 1. Maximum Penalties under Current Law and Proposed Mandatory Minimum Sentences under House Bills 4690 and 4691

	Current Law		House Bills 4690 and 4691
	Michigan Penal Code Maximum Penalties	Michigan Vehicle Code Maximum Penalties	<i>Proposed Mandatory Minimum Sentences</i>
First degree	15 years \$15,000	15 years \$10,000	5 years
Second degree	10 years \$10,000	10 years \$5,000	2 years
Third degree	5 years \$5,000	5 years \$1,000	1 year
Fourth degree	2 years \$2,000	2 years \$500	Any previous fleeing and eluding convictions: 30 days
			No previous fleeing and eluding convictions: no mandatory minimum

Under the bills, in addition (or as an alternative) to the offenses and penalties based on prior convictions under current law, an individual who violates the prohibition against fleeing and eluding and who has any previous convictions, for any degree of fleeing and eluding, under either act would have committed fourth-degree fleeing and eluding and upon conviction would

have to be imprisoned for a term of 30 days to two years and could be ordered to pay a fine of up to \$2,000.

Neither bill can take effect unless both bills are enacted. Each bill would take effect 90 days after being enacted.

MCL 750.479a (House Bill 4690)

MCL 257.602a (House Bill 4691)

BRIEF DISCUSSION:

Fleeing and eluding poses significant risks to the person committing the offense, to law enforcement officers, and to the general public. While not all law enforcement agencies authorize their officers to pursue an individual who attempts to flee,² in many jurisdictions, eluding can (and does) lead to pursuits in which officers must weigh the need to apprehend potentially dangerous suspects against preserving personal and public safety.

The United States Department of Justice estimates that, on average, crashes occur in at least 30% of vehicle pursuits and that injuries or fatalities occur in between 5% to 17% of pursuits.³ In Michigan, police pursuits that result in traffic crashes are documented on mandatory UD-10 crash reports as “fleeing the police.”⁴ From 2020 to 2024, MSP’s Traffic Crash Reporting Unit reported a total of 3,642 traffic crashes that occurred as the result of an attempt to flee and elude law enforcement, of which 87 (2.4%) resulted in at least one fatality.⁵

FISCAL IMPACT:

House Bills 4690 and 4691 could have a fiscal impact on the state. Any fiscal impact would depend on how individuals are currently sentenced for the same offenses that, under the bills, could get them extra time with the establishment of mandatory minimums. Increased costs to the state would result from individuals who are sentenced to serving additional time in state prisons. In fiscal year 2024, the average cost of prison incarceration in a state facility was roughly \$46,200 per prisoner, a figure that includes various fixed administrative and operational costs. Those costs are financed with state general fund/general purpose revenue.

POSITIONS:

A representative of the Wyandotte Police Department testified in support of the bills. (8-27-25)

² The Michigan State Police, for example, modified its pursuit policy in March 2024 to only allow troopers and certain motor carrier officers to engage in a pursuit if there is probable cause to believe that the driver or occupant of the pursued vehicle has committed a life-threatening or violent felony. The full text of Official Order 10-20 is available here: https://content.govdelivery.com/attachments/MIMSP/2024/03/14/file_attachments/2814919/10-20%20-%20Vehicle%20Pursuits.pdf.

³ <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf>

⁴ Examples of “fleeing” that are documented on the UD-10 are a patrol car colliding with the vehicle it is pursuing, the pursued vehicle colliding with another vehicle, and the pursued vehicle causing two vehicles unrelated to the pursuit to collide.

⁵ The 2024 Statewide Traffic Crash Data Year End Report is available here: <https://www.michigan.gov/msp/-/media/Project/Websites/msp/cjic/Traffic-Crash-Reporting-Unit-Files/Year-End-Reports/2024-Statewide-Traffic-Crash-Data-Year-End-Report.pdf>.

The Michigan Fraternal Order of Police indicated support for the bills. (8-27-25)

The following entities indicated opposition to the bills (8-27-25):

- ACLU of Michigan
- Criminal Defense Attorneys of Michigan
- FAMM
- Safe & Just Michigan
- State Appellate Defender Office

Legislative Analyst: Aaron A. Meek
Fiscal Analyst: Robin Risko

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