

SUBSTITUTE FOR
HOUSE BILL NO. 4690

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479a (MCL 750.479a), as amended by 2012 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479a. (1) An operator of a motor vehicle or vessel who is
2 given by hand, voice, emergency light, or siren a visual or audible
3 signal by a police or conservation officer, acting in the lawful
4 performance of ~~his or her~~ **the police officer or conservation**
5 **officer's** duty, directing the operator to bring ~~his or her~~ **the**
6 **operator's** motor vehicle or vessel to a stop shall not willfully
7 fail to obey that direction by increasing the speed of the vehicle
8 or vessel, extinguishing the lights of the vehicle or vessel, or
9 otherwise attempting to flee or elude the police or conservation

1 officer. This subsection does not apply unless the police or
 2 conservation officer giving the signal is in uniform and the
 3 officer's vehicle or vessel is identified as an official police or
 4 department of natural resources vehicle or vessel.

5 (2) Except as provided in subsection (3), (4), or (5), an
 6 individual who violates subsection (1) is guilty of fourth-degree
 7 fleeing and eluding, a felony punishable by imprisonment for not
 8 **less than 30 days or** more than 2 years ~~or~~ **and in addition may be**
 9 **ordered to pay** a fine of not more than \$2,000.00. ~~, or both.~~

10 (3) Except as provided in subsection (4) or (5), an individual
 11 who violates subsection (1) is guilty of third-degree fleeing and
 12 eluding, a felony punishable by imprisonment for not **less than 1**
 13 **year or** more than 5 years ~~or~~ **and in addition may be ordered to pay**
 14 a fine of not more than \$5,000.00, ~~or both,~~ if 1 or more of the
 15 following circumstances apply:

16 (a) The violation results in a collision or accident.

17 (b) For a motor vehicle, a portion of the violation occurred
 18 in an area where the speed limit is 35 miles an hour or less,
 19 whether that speed limit is posted or imposed as a matter of law
 20 or, for a vessel, a portion of the violation occurred in an area
 21 designated as "slow-no wake", "no wake", or "restricted" whether
 22 the area is posted or created by law or administrative rule.

23 (c) The individual has a prior conviction for fourth-degree
 24 fleeing and eluding, attempted fourth-degree fleeing and eluding,
 25 or fleeing and eluding under a current or former law of this state
 26 prohibiting substantially similar conduct.

27 (4) Except as provided in subsection (5), an individual who
 28 violates subsection (1) is guilty of second-degree fleeing and
 29 eluding, a felony punishable by imprisonment for not **less than 2**

1 **years or** more than 10 years ~~or~~ **and in addition may be ordered to**
 2 **pay** a fine of not more than \$10,000.00, ~~or both,~~ if 1 or more of
 3 the following circumstances apply:

4 (a) The violation results in serious impairment of a body
 5 function of an individual.

6 (b) The individual has 1 or more prior convictions for first-,
 7 second-, or third-degree fleeing and eluding, attempted first-,
 8 second-, or third-degree fleeing and eluding, or fleeing and
 9 eluding under a current or former law of this state prohibiting
 10 substantially similar conduct.

11 (c) The individual has any combination of 2 or more prior
 12 convictions for fourth-degree fleeing and eluding, attempted
 13 fourth-degree fleeing and eluding, or fleeing and eluding under a
 14 current or former law of this state prohibiting substantially
 15 similar conduct.

16 (5) If the violation results in the death of another
 17 individual, an individual who violates subsection (1) is guilty of
 18 first-degree fleeing and eluding, a felony punishable by
 19 imprisonment for not **less than 5 years or** more than 15 years ~~or~~ **and**
 20 **in addition may be ordered to pay** a fine of not more than
 21 \$15,000.00. ~~, or both.~~

22 (6) ~~Upon~~ **On** a conviction for a violation or attempted
 23 violation under subsection (2) or (3), the following apply:

24 (a) If the individual was operating a motor vehicle, the
 25 secretary of state shall suspend the individual's operator's or
 26 chauffeur's license as provided in section 319 of the Michigan
 27 vehicle code, 1949 PA 300, MCL 257.319.

28 (b) If the individual was operating a vessel, the individual's
 29 privilege to operate a vessel ~~shall~~ **must** be suspended for a period

1 not to exceed 5 years.

2 (7) ~~Upon~~**On** a conviction for a violation or attempted
3 violation under subsection (4) or (5), the following apply:

4 (a) If the individual was operating a motor vehicle, the
5 secretary of state shall revoke the individual's operator's or
6 chauffeur's license as provided in section 303 of the Michigan
7 vehicle code, 1949 PA 300, MCL 257.303.

8 (b) If the individual was operating a vessel, the individual's
9 privilege to operate a vessel ~~shall~~**must** be revoked for a period of
10 not less than 5 years.

11 (8) Except as otherwise provided in this subsection, a
12 conviction under this section does not prohibit a conviction and
13 sentence under any other applicable provision for conduct arising
14 out of the same transaction. A conviction under subsection (2),
15 (3), (4), or (5) prohibits a conviction under section 602a of the
16 Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct
17 arising out of the same transaction.

18 (9) As used in this section:

19 (a) "Prior conviction" means:

20 (i) For a violation of this section while operating a motor
21 vehicle, the person had a previous conviction for a violation of
22 this section while operating a motor vehicle or a previous
23 conviction for fleeing and eluding under a current or former law of
24 this state prohibiting substantially similar conduct while
25 operating a motor vehicle.

26 (ii) For a violation of this section while operating a vessel,
27 the person had a previous conviction for a violation of this
28 section while operating a vessel.

29 (b) "Serious impairment of a body function" means that term as

1 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
2 MCL 257.58c.

3 (c) "Vessel" means that term as defined in section 80104 of
4 the natural resources and environmental protection act, 1994 PA
5 451, MCL 324.80104.

6 (10) This section ~~shall be known and may be cited~~ **known** as the
7 "Lieutenant Donald Bezenah law".

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless House Bill No. 4691 of the 103rd Legislature is enacted into
12 law.