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**SFA****BILL ANALYSIS**

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Senate Bill 287 (Substitute S-3 as reported)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Vehicle Code to create and provide penalties for three degrees of "criminal road endangerment". The bill would take effect 120 days after its enactment.

Third-degree criminal road endangerment would occur if, during a single continuous period of driving, a person committed three or more of the following against someone operating another vehicle or a bicycle, motorcycle, or moped, or against a pedestrian: speeding by more than 15 miles per hour on a freeway or more than 10 miles per hour on any other road; failing to obey a traffic control device; following another vehicle more closely than was reasonable and prudent; improperly overtaking and passing another vehicle; failing to yield the right-of-way; making an improper lane change, that caused another vehicle to take evasive action; repeatedly and unnecessarily flashing or blinking headlamps, causing a person to change speed or direction; or performing any other driving behavior likely to harm persons or property.

A violation would constitute second-degree criminal road endangerment if a person committed what would be a third-degree offense and, during the same continuous period of driving, operated a vehicle in a manner that caused substantial risk of physical injury to another person or damage to property; operated a vehicle with willful or wanton disregard for the safety of persons or property; or openly displayed a firearm or led another person to believe that the operator openly displayed a firearm.

A violation would constitute first-degree criminal road endangerment if a person committed a third- or second-degree violation and either an injury or death to another person resulted from the vehicle's operation, or the offender had one or more prior convictions for third- or second-degree criminal road endangerment.

A third-degree violation would be a misdemeanor, punishable by up to 93 days' imprisonment and/or a maximum fine of \$1,000, plus a 30-day license suspension and six points on the offender's driving record. A second-degree violation would be a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$2,000, plus a 90-day suspension and six points. A first-degree violation would be a felony, punishable by up to four year's imprisonment and/or a maximum fine of \$5,000, plus license revocation and six points.

A sentencing court could order any term of imprisonment imposed for criminal road endangerment to be served consecutively to, and immediately preceding, any term imposed for any other offense arising out of the same course of conduct. A fine under the bill could be imposed in addition to a fine for any other underlying offense.

Proposed MCL 257.626c

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

Senate Bill 287 (S-3) would have an indeterminate fiscal impact on State and local government.

The bill would establish misdemeanor penalties for second- and third-degree criminal road endangerment.

Because the maximum penalty for these crimes would be less than one year, local governments would receive the fine revenue and/or pay the cost of incarceration. There are no data to indicate how many people could be subject to conviction under these sections, and the cost of incarceration varies from county to county.

Additionally, the bill would establish a criminal maximum penalty of four years in prison and/or a fine of \$5,000 for first-degree criminal road endangerment. The court would determine the minimum sentence, which is indicative of the cost of incarceration. The sentence under for first-degree criminal road endangerment could be served consecutively to another conviction arising out of the same incident. There are no data to indicate how many people could be subject to conviction under this section or how courts would impose sentences. However, if an offender were convicted of first-degree road endangerment and received a minimum sentence of 32 months, incarceration of this offender could cost the State \$58,560.

Amending the Michigan Vehicle Code to create these offenses as criminal violations also could increase administrative costs to the Department of State for enforcement of these provisions. There could be computer programming costs to add such offenses to the Code as criminal violations.

Date Completed: 3-1-99

Fiscal Analyst: K. Firestone  
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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.