



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 387 (Substitute S-3 as reported)
Sponsor: Senator John J. Gleason
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to establish a mandatory term of incarceration of two years or more for first- or second-degree fleeing and eluding.

Under the Code, if the operator of a motor vehicle is given a signal to stop by a police or conservation officer, the operator may not willfully disobey by speeding up, turning off the vehicle's lights, or otherwise attempting to flee or elude the officer. A violation is fourth-degree fleeing and eluding unless particular circumstances or prior convictions make the offense first-, second-, or third-degree fleeing and eluding. A violation is second-degree fleeing and eluding if it results in serious impairment of a body function of an individual (or if the offender has one or more prior convictions). A violation is a first-degree offense if it results in the death of another person.

Fleeing and eluding in any degree is a felony, subject to the following penalties:

Fleeing & Eluding	Maximum Penalty	
	Prison	Fine
Fourth Degree	2 years	\$2,000
Third Degree	5 years	\$5,000
Second Degree	10 years	\$10,000
First Degree	15 years	\$15,000

For a first- or second-degree violation, the bill would impose a mandatory minimum two-year term, and retain the current maximum terms.

The bill would take effect on July 1, 2012.

MCL 750.479a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. By setting a mandatory minimum sentence for a first- or second-degree fleeing and eluding conviction, the bill could increase offender length of stay in State facilities and thereby increase incarceration costs. The average annual cost of incarceration in a State facility is approximately \$34,000.

Date Completed: 1-18-12

Fiscal Analyst: Dan O'Connor