

Act No. 60
Public Acts of 2012
Approved by the Governor
March 22, 2012
Filed with the Secretary of State
March 22, 2012
EFFECTIVE DATE: November 1, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Rep. LaFontaine

ENROLLED HOUSE BILL No. 4848

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

The People of the State of Michigan enact:

Sec. 479a. (1) An operator of a motor vehicle or vessel who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the operator to bring his or her motor vehicle or vessel to a stop shall not willfully fail to obey that direction by increasing the speed of the vehicle or vessel, extinguishing the lights of the vehicle or vessel, or otherwise attempting to flee or elude the police or conservation officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer’s vehicle or vessel is identified as an official police or department of natural resources vehicle or vessel.

(2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both, if 1 or more of the following circumstances apply:

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

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

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

(4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both, if 1 or more of the following circumstances apply:

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

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

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

(5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00, or both.

(6) Upon a conviction for a violation or attempted violation under subsection (2) or (3), the following apply:

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

(b) If the individual was operating a vessel, the individual's privilege to operate a vessel shall be suspended for a period not to exceed 5 years.

(7) Upon a conviction for a violation or attempted violation under subsection (4) or (5), the following apply:

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

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

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

(9) As used in this section:

(a) "Prior conviction" means:

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

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

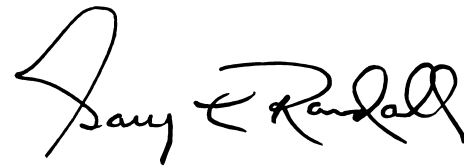
(b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

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

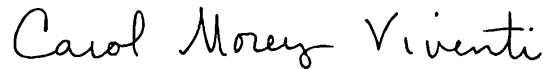
(10) This section shall be known and may be cited as the "Lieutenant Donald Bezenah law".

Enacting section 1. This amendatory act takes effect November 1, 2012.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor