

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 as~~  
 8 **follows:**

9 (a) **For an individual who does not have a previous conviction**  
 10 **for fleeing and eluding under this section or section 602a of the**  
 11 **Michigan vehicle code, 1949 PA 300, MCL 257.602a, imprisonment** for  
 12 not more than 2 years, ~~or~~ a fine of not more than \$2,000.00 , or  
 13 both.

14 (b) **For an individual with 1 or more previous convictions for**  
 15 **any degree of fleeing and eluding under this section or section**  
 16 **602a of the Michigan vehicle code, 1949 PA 300, MCL 257.602a,**  
 17 **imprisonment for not less than 30 days or more than 2 years and in**  
 18 **addition the individual may be ordered to pay a fine of not more**  
 19 **than \$2,000.00.**

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

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

27 (b) For a motor vehicle, a portion of the violation occurred  
 28 in an area where the speed limit is 35 miles an hour or less,  
 29 whether that speed limit is posted or imposed as a matter of law



1 or, for a vessel, a portion of the violation occurred in an area  
2 designated as "slow-no wake", "no wake", or "restricted" whether  
3 the area is posted or created by law or administrative rule.

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

8 (4) Except as provided in subsection (5), an individual who  
9 violates subsection (1) is guilty of second-degree fleeing and  
10 eluding, a felony punishable by imprisonment for not **less than 2**  
11 **years or** more than 10 years ~~or~~ **and in addition may be ordered to**  
12 **pay** a fine of not more than \$10,000.00, ~~or both,~~ if 1 or more of  
13 the following circumstances apply:

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

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

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

26 (5) If the violation results in the death of another  
27 individual, an individual who violates subsection (1) is guilty of  
28 first-degree fleeing and eluding, a felony punishable by  
29 imprisonment for not **less than 5 years or** more than 15 years ~~or~~ **and**



1 **in addition may be ordered to pay** a fine of not more than  
2 \$15,000.00. ~~, or both.~~

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

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

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

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

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

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

21 (8) Except as otherwise provided in this subsection, a  
22 conviction under this section does not prohibit a conviction and  
23 sentence under any other applicable provision for conduct arising  
24 out of the same transaction. A conviction under subsection (2),  
25 (3), (4), or (5) prohibits a conviction under section 602a of the  
26 Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct  
27 arising out of the same transaction.

28 (9) As used in this section:

29 (a) "Prior conviction" means:



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

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

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

13          (c) "Vessel" means that term as defined in section 80104 of  
14 the natural resources and environmental protection act, 1994 PA  
15 451, MCL 324.80104.

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

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

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

