



THE RED LIGHT ALERT

A Traffic Safety Publication

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GREETINGS

This is the first issue of a traffic safety alert. This supplement to **The Green Light News** will go out as needed to provide additional updates to those individuals involved with traffic safety. If you have suggestions or comments that may benefit others on traffic safety matters or on improving this supplement or **The Green Light News**, please contact me at (517) 334-6060 or wallaced@michigan.gov. *David J. Wallace, Traffic Safety Training Attorney.*

Legislative Alert !!!

The Michigan Legislature has recently passed a couple of bills that impact traffic safety. **2001 P.A. 134 takes effect on February 1, 2002** and it focuses on Felonious Driving. First, MCL. 752.191 is repealed and the crime of Felonious Driving is moved from the Penal Code to the Motor Vehicle Code into a new section, MCL. 257.626c. Second, the act expands the application of Felonious Driving. Under the old provision, Felonious Driving only applied when the person was driving on a highway. P.A. 134 follows the language of other motor vehicle violations and states that the crime can occur "upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles." Finally, the injury no longer has to be crippling, it must be a "serious impairment of a body function."

Public Act 159 of 2001 has amended MCL 257.617, Leaving the Scene of an Accident. Previously under that section of the code, it was a five year felony if a driver in an accident caused serious or aggravated injury or death and then left the scene. Under the new

provisions, a person who leaves the scene of an accident where death resulted is now facing 15 years in prison. (MCL. 257.617(3)) **The law becomes effective on February 1, 2002.**

Finally there is **Senate Bill 257** (ESB 257) which has been passed by both chambers of the legislature. ESB 257 amends the Criminal Procedure Code by adding section 36 to Chapter Nine. (MCL. 769.36.) This bill provides for consecutive sentencing on charges where multiple deaths occur from the operation of a motor vehicle, vessel, ORV, snowmobile, aircraft, or locomotive. The convictions must be under the appropriate section of the motor vehicle code or other provisions that deal with the other vehicles. The consecutive sentencing aspect is discretionary with the court and this bill does not apply to deaths such as murder or manslaughter in the penal code. As of the date of this writing, the bill has not been signed by the Governor. If signed by him, **the bill will have an effective date of March 1, 2002.**

CASE LAW ALERT !!

The Court did not abuse its discretion in admitting a driving record where the defendant was charged with fleeing and eluding and driving on a suspended driver's license. He claimed that the trial court erred by admitting the record because the defense offered to stipulate that his driving privileges had been suspended at the time of his arrest. The prosecution sought to introduce

defendants extensive driving record to show motive for the offense of fleeing and eluding. The trial court found the driving record was more probative than prejudicial. The Court of Appeals affirmed. *People v Harris, (Unpublished)* Number 225566, December 14, 2001.

*Consult your prosecutor before adopting practices suggested by reports in this newsletter.
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