



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice Committee

Contact Person:

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Bill Number:

HB 4210 (Stakoe) Crimes; vehicle offenses; requirement for prosecution to show proof that a driver of a fleeing vehicle has knowledge of injuries; eliminate. Amends secs. 617, 617a, 618 & 619 of 1949 PA 300 (MCL 257.617 et seq.).

Date position was adopted:

3/17/05

Process used to take the ideological position:

Committee meeting

Number of members in the decision-making body:

10

Number who voted in favor and opposed to the position:

Unanimous opposition

Position:

This legislation, which is basically a rewrite of the existing failure to stop at an accident, continues to impose strict liability for failing to stay at an accident scene. While there is a provision for leaving to report the accident, the bill continues to essentially impose strict liability for leaving the scene of an accident and the exception is narrow and does not cover a myriad of circumstances where leaving would be a reasonable or justifiable reaction. The courts are not functioning well if criminal liability is being imposed without intent.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4210>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

See above

Arguments against the position (if any):

None

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

To date, the State Bar of Michigan does not have a position on HB 4210.

Fiscal implications of the recommended policy to the State Bar of Michigan:

None

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller- permissible explanation:

The courts function best when there is a link between intent and culpability.