



LEGAL UPDATE

MICHIGAN STATE POLICE
TRAINING DIVISION

F/Lt. Dave Greydanus
(517) 322-6704



Leaving the scene of a personal injury accident requires "reasonable assistance" to those injured.

The suspect in this case was convicted of leaving the scene of a personal injury accident. A passenger in a vehicle he was driving was seriously injured when it rolled over. The suspect left and obtained a wrecker from his work. He returned and removed the vehicle, returning it to a bar where he and the passenger had been drinking earlier. One of the bar employees called 911 after observing the passenger's injuries. The defendant left before the arrival of the police. The passenger eventually died of his injuries.

Regarding the charge of leaving the scene of a serious injury accident the only issue in this case is whether defendant failed to render reasonable assistance. Defendant argued that by stopping and taking action intended to assist the victim, he fulfilled the requirements of 257.619. The Court of Appeals held that the defendant's assistance was not reasonable. People v Noble, C/A 206833 (December 3, 1999)

Pandering requires a person to entice or induce a female to become a prostitute.

This case arose out of an undercover investigation involving a massage parlor that the defendant owned. Two women were sent to meet an undercover officer. The defendant knew that the second woman was being sent for the purposes of sex. When they returned, she accepted the money they had received and she was arrested and charged with accepting the earnings of a prostitute and pandering.

Pandering requires that the defendant must have enticed or induced a woman "to become a prostitute." If the female is already a prostitute, the pandering statute is not applicable. "[T]he

prosecutor failed to present evidence demonstrating, beyond a reasonable doubt, that Carlton and Hanlon (the two females) were not prostitutes before their employment with defendant, or that defendant induced, persuaded, inveigled, or enticed them to become prostitutes." People v Morey, MSC No. 112623 (December 22, 1999)

Fingerprints for DWLS 1st offense - P.A. 266

P.A. 266 states that print cards are **not required** for DWLS 1st. Prints are required for subsequent violations.

Child Abuse – PA 273 of 1999

This act redefines "serious physical harm" under the child abuse statute.

"Serious physical harm" means any physical injury to a child that seriously impairs the child's health or physical well-being, including, but not limited to, *brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut.*

Drug Free School Zones – PA 188 of 1999

This act changed the requirement that delivery of drugs in a drug free school zone was limited to a "minor who is a student." The new wording is deliver or possession with intent to deliver to "another person". The violation still has to occur within 1,000 feet of school and the suspect must be 18 years old or older for this charge. MCL 333.7410

Computer Crimes – PA 235 of 1999 (3/10/00)

A person shall not use the internet, computer, computer network, computer system, or computer

program to communicate with another person for the purpose of doing any of the following:

- CSC, kidnapping, child pornography where the victim is a minor. (less than 18)
- Stalking, soliciting of children for immoral purposes, recruiting a minor to commit a felony, child kidnapping.
- Explosive violations including sending a false bomb threat.
- Gambling
- 1st = 2 yr felony, 2nd = 5 yr felony

Identity Fraud – PAs 164 and 166 of 1999(2/3/00)

These crimes are aimed at activity where the suspect obtains access to credit cards, ATM cards, driver's license numbers, social security numbers, etc., and then pretends to be that person while either applying for credit in that name or tapping into already available credit. MCL 750.219e

The following are four-year felonies:

- *Prepare or submit an application for loan or extension of credit in another's name without authorization.*
- *Receive or possess an application for loan or extension of credit knowing it was prepared without authorization.*
- *Access proceeds of a loan or extension of credit knowing or reason to know device was obtained without authorization.*

Consuming alcoholic liquor on school property P.A.274 of 1999

A person shall not consume alcoholic liquor or possess with the intent to consume alcoholic liquor on school property. 1st and 2nd offense = 93 day
3rd offenses = 1 year

- Section does not apply to a recognized religious event or if allowed by the superintendent.
- This section does not prohibit additional charges arising out of the same transaction.
- School = a public school, kindergarten through 12 grade including buildings, playing fields, vehicles, or other property used for functions and events sponsored by a school. Does not include a building primarily used for adult ed. or college extension courses.

Statewide School Safety Information Policy – PA 102 of 1999 01/02/00

- Law Enforcement must report the following to schools:
 - Crimes investigated on school property.
 - Crimes occurring off school property if there is reason to believe those involved may pose a significant threat or imminent danger to students, staff, or school property.
- Incidents must be reported within 24 hours or the next business day.
- Reporting the crime may be delayed if it may compromise an ongoing investigation.
- School officials must report to law enforcement any incidents that affect student safety, such as bomb threats, arson, sexual assaults, weapons violations, suicide attempts, larceny, vandalism and drug use.

Fleeing from police may establish reasonable suspicion for a Terry Stop.

The suspect in this case fled upon seeing police vehicles converge on an area of Chicago known for drug trafficking. The officers stopped him and conducted a pat down for weapons locating a pistol. The question presented in this case was whether the officers were justified in stopping the subject under these facts.

The United States Supreme Court upheld the search on the basis that the officers had reasonable suspicion that criminal activity was occurring and that the detention was a valid *Terry* stop. “[N]ervous, evasive behavior is a pertinent factor in determining reasonable suspicion.” Illinois v Wardlow, SupCt No. 98-1036 (Jan.12, 2000)

Visit the Training Division Web Page on the Intranet to access other legal updates and the Michigan Compiled Laws. On the Internet go to www.msp.state.mi.us. Then go to Bureaus and Divisions, then Training Division, then Legal Updates.

This update is provided for informational purposes only. Officers should contact their local prosecutors for their interpretations.