

08-31-1990 St Clairs Co MI – Donald A Bezenah – LEO Boating Pursuit – Boat Rammed



# OFFICER DOWN MEMORIAL PAGE

REMEMBERING ALL OF LAW ENFORCEMENT'S HEROES

<http://www.odmp.org/officer/115-lieutenant-donald-albert-bezenah>



### Bio & Incident Details

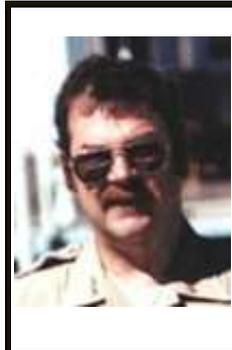
- Age:** 51
- Tour:** Not available
- Badge #** Not available
- Cause:** Vehicular assault
- Weapon:** Boat
- Offender:** Not available

**Lieutenant Donald Albert Bezenah**  
 St. Clair County Sheriff's Department, Michigan

### End of Watch: Friday, August 31, 1990

Lieutenant Bezenah was killed in a boating accident. He was attempting to stop a fleeing boat when the pilot of that boat deliberately rammed Lieutenant Bezenah's patrol boat.

Lieutenant Bezenah was survived by his wife, son, and mother.



### Donald A. Bezenah, Lieutenant

#### End of Watch: August 31st, 1990

Lt. Bezenah, the commander of the Marine division, was on patrol when a request for assistance came from Macomb County. Macomb was in pursuit of a boater for reckless and intoxicated operation of a watercraft and also fleeing and eluding. During the chase, the suspect intentionally rammed the Lt's boat, killing him instantly.

<https://www.stclaircounty.org/offices/sheriff/memorial.aspx>

## **Boater convicted in death of deputy Warren man used boat to ram officer**

<https://www.newspapers.com/newspage/99859005/>

February 9, 1991 By Marty Hair Free Press Staff Writer

A 42-year-old Warren man was found guilty of second-degree murder Friday for killing a sheriff's deputy with his high-performance powerboat on Lake St. Clair last summer. Roderick Michael Beliveau also was found guilty of three misdemeanors violating a no-wake zone, failing to come alongside and failing to give help after a collision, which killed St. Clair County Sheriff's Lt. Donald Bezenah, 53.

After being pursued by Macomb County deputies, Beliveau's boat leapt over Bezenah's and struck the officer. The jury deliberated Roderick Michael Beliveau for about three hours before returning the verdict, which carries a penalty of up to life imprisonment.

The defense called no witnesses during three days of testimony before Macomb Circuit Court Judge John Bruff. ; The case involved events of Aug. 31, when Macomb County sheriff's deputies spotted Beliveau's 27-foot Formula boat creating a wake in Black Creek, a posted no-wake zone, at Metropolitan Beach.

Their patrol boat was not able to keep up with Beliveau, who headed north. He later hesitated and turned toward the pursuing deputies. Assistant Macomb County Prosecutor David Portuesi said those movements proved Beliveau was confronting police.

The deputies radioed for help and Bezenah, on patrol at Strawberry Island in a 20-foot boat, answered. The prosecutor said Beliveau radioed, "He's coming at me," before he was hit.

Defense lawyer Domnick Sorise said Bezenah caused the collision by approaching too close and that Beliveau could not see the officer's lights Or hear his siren. The prosecutor, however, charged that Beliveau aimed at the boat's midsection, where Bezenah stood at the console.

Beliveau had a blood-alcohol level of 0.14 five hours after the collision. In Michigan, a driver is considered legally drunk with a blood-alcohol level of 0.10

## **Boat Driver Gets Prison in Fatality**

<https://www.newspapers.com/newspage/211564464/>

MARCH 22, 1991

Roderick Michael Beliveau apologized for the death of Lt. Don-; aid A. Bezenah but denied that he was guilty of trying to kill the chief of the St. Clair County Sheriff Department's Marine Division. Beliveau, 41, was sentenced Thursday to 20 to 40 years in prison following his Feb. 8: conviction on a charge of second-degree murder. Bezenah, 51, an 18-year sheriff department died Aug. 31, 1990, when a Formula speed boat driven by a drunken Beliveau rammed into the side of Bezenah's patrol boat on Anchor Bay.

Beliveau, reading a prepared statement, said he is haunted by the memory of what he called "a 'tragic accident.'

"It is with heartfelt sadness that I express my regrets to the family of Lt. Bezenah. I did not intend to harm him." Bezenah's widow, Pam, left the courtroom soon after as Beliveau began to accuse police officers of lying in written reports and in court testimony about his actions before and after the crash as a way "to avenge a fallen fellow officer. "That I would give up my life, my children and my job and murder someone for a 'no wake' violation defies rational thinking," Beliveau said. Beliveau denied that he deliberately turned his boat toward Bezenah's patrol boat, as witnesses at his trial testified. Beliveau's racer became airborne after hitting Bezenah's boat broadside, striking the deputy in the head and killing him instantly. Beliveau's boat then twisted to the side before crashing back into the water, where it circled out of control, leading rescuers to believe the driver had been thrown from the boat.

## **Deadly Dangers Patrolling Our Waterways**

<http://www.nleomf.org/newsroom/news-releases/deadly-dangers-patrolling-our.html?referrer=https://www.google.com/>

*October 9, 2000*

WASHINGTON, D.C. — Paul Korber was a strong swimmer and a dedicated law enforcement officer. He worked for the Ventura, California, Harbor Patrol. On March 15, 1998, Officer Korber received a call for help. Two young boys and their mother had been caught in an ocean rip tide and were struggling for their lives.

When efforts to reach the family by boat failed due to rough seas, Officer Korber dove in to make the rescue. He reached the family and managed to keep them afloat long enough for lifeguards to get them to safety. But, Officer Korber wasn't so lucky. Tossed into a jetty by the six-foot waves, he became disoriented and drowned. Paul Korber, an 11-year veteran of the department saved three lives that day . . . and in doing so, he gave up his own.

Shortly after that terrible tragedy, a letter appeared in the local newspaper. It was written by the man who had called the Harbor Patrol for help. The man was humbled by what he had witnessed that day and he wanted others to know. He wrote, "We often hear comments directed at firemen, lifeguards, harbor patrols and other safety professionals about the ease of their jobs. In the absence of catastrophe, some people assume their work is rather inconsequential. But those of us who have been saved . . . know the real truth. And the truth is that if 364 days go by without incident, and on the 365th, that man or woman has to break through a burning door, or swim out through the swells on a big day, they earn everything we pay them in that moment. For Paul [Korber] and his family, that debt, in fact, can never be paid, but we understand the value of his commitment."

Paul Korber is one of roughly 170 law enforcement officers who drowned, died in boating accidents, or were killed enforcing fishing laws on our nation's waterways. All of their names appear on the National Law Enforcement Officers Memorial in Washington, D.C.

Those officers typify the selfless heroism that is the norm for the law enforcement profession. They include heroes like Kentucky Conservation Officer Denver Tabor, who in 1973, drowned while trying to save a young boy who fell overboard from a boat; and Sergeant Karl Kelley, of the Indiana Department of Natural Resources, who drowned in 1998 while trying to rescue two of his colleagues who had fallen into swirling waters during a dangerous training exercise; and Pennsylvania Fish Warden Raymond Schroll Jr., who in 1958 had nearly swum ashore after his boat overturned in a rain-swollen river, but drowned when he heard his partner's cries for help and returned to attempt a rescue.

A review of these cases also points to the senselessness of so many attacks on those who enforce our laws. Just ask the officers serving with the North Carolina Wildlife Resources Commission. They can tell you the story of Wildlife Officer Dewey McCall who, in 1971, was shot to death after issuing a man a citation for an undersized fish. Or, let the deputies in St. Clair County (MI) tell you what happened to Lieutenant Donald Bezenah when he tried to arrest a drunken boater. Instead of stopping, the drunken man rammed his boat into Lieutenant Bezenah's, killing the 51-year-old law enforcement veteran.

Or, talk to members of the Pennsylvania Fish and Boat Commission. They will remind you of what happened nearly 80 years ago to the legendary fish warden, William E. Shoemaker, the first line of duty death in the department's history. Fish Warden Shoemaker loved having a job that kept him close to the natural world. He performed his duties in an aggressive and no-nonsense manner. In those days, not everyone agreed that the government had the right to regulate the taking of fish and game, let alone charge a fee for the right to do so. In fact, Fish Warden Shoemaker was actually barred by the railroad from boarding its trains and checking for hunters and fishermen. But, that was nothing compared to the treatment he received on the evening of August 25, 1921. As he was returning home around 9:30 p.m., Fish Warden Shoemaker spotted two men spearfishing in a local creek. He was preparing to arrest one of the men for fishing without a license when the other one grabbed the lawman's gun and fired at point-blank range. William Shoemaker died 28 days later. His assailant served less than 10 years in jail for the crime.

Robert C. Banker, a conservation officer with the Kentucky Department of Fish and Wildlife Resources, suffered a similar fate on March 19, 1987. After issuing a fishing citation, he was shot in the chest three times. One of the darkest days for our nation's conservation officers occurred on July 12, 1940, in Minnesota. Three officers with the Minnesota Department of Natural Resources — Douglas P. Brady, Melvin A. Holt, and Marcus E. Whipps — were conducting what they thought was a routine interview with some commercial fishermen when they were shot and killed.

So often, the law enforcement officer puts himself or herself in harm's way so that others can be safe. Certainly, that was the case with many of the officers who have drowned while trying to spare others from danger. In 1903, Kansas City (MO) Patrolman Joseph P. Keenan drowned when he was swept away by flood waters while attempting to take a group of citizens to safer ground. Ten years later,

Captain Allen D. McGown, of the Findlay (OH) Police Department, was trying to rescue a family from their home in eight feet of flood waters when the boat they were in capsized and Captain McGown drowned. Michigan State Trooper Ralph Broullire was attempting to rescue two boys stranded on an ice flow in Saginaw Bay when he fell in the water and drowned on December 18, 1937.

In the law enforcement profession, even the most routine of circumstances can become life threatening. That is especially true when the officer is working on or near water. In 1966, Maryland Natural Resources Police Officer George T. Mullikin suffered a fatal heart attack while scuba diving on the job. On May 28, 1990, Texas Game Wardens Franklin Hill and William Decker drowned when their patrol boat struck a submerged tree stump. On May 24, 1998, Deputy Sheriff Edward R. Callahan, of the Douglas County (NV) Sheriff's Office, was on routine patrol with his partner on Lake Tahoe. As they were coming into the dock, a large wave overturned their boat. Deputy Callahan was pulled under the water and never resurfaced.

And, even more recently, Captain John Garlington of the Louisiana Department of Wildlife and Fisheries drowned on February 10 of this year while investigating an illegal fishing report. In June, Sergeant Alane Stoffregen died during a deep-water diving exercise with the Chicago Police Department's marine unit.

Some departments have begun to pass policies making it mandatory that officers wear personal floatation devices while patrolling our waterways. History tells us that such measures will help to save lives. But, more needs to be done to protect our officers on the water and on land, because the only certainty of police work is that danger could strike at any moment.

## **Water laws catching up**

[http://www.voicenews.com/news/water-laws-catching-up/article\\_23effb2d-106a-5303-a324-e822602f8876.html](http://www.voicenews.com/news/water-laws-catching-up/article_23effb2d-106a-5303-a324-e822602f8876.html)

Jul 19, 2013 By Courtney Flynn, Associate Editor

Up until November it was only a misdemeanor to flee and elude the police on the water. However, if a suspect tried that on land they would be charged with a felony. The discrepancy in the laws first truly came to light in 1990 when St. Clair County Lt. Don Bezenah, who headed the sheriff department's marine division at the time, was killed in a boating accident on Lake St. Clair. Bezenah was chasing a suspect in his police vessel while the suspect was fleeing other police on the water. In the course of the chase the suspect intentionally rammed into Bezenah's boat, killing the officer instantly. While the suspect was later charged with murder, the fleeing and eluding portion of the case could only be tacked on as a misdemeanor. This did not sit well with several law enforcement agents, including Bill Krul. Krul is a Chesterfield Township resident who has worked in local law enforcement his whole life, including running the marine division for the St. Clair County Sheriff's Department several years ago. Seeing the difference in charges, Krul and others took it upon themselves to try push for a change.

"It's important to make the laws equal on and off land," he said. "The law at that time was not sufficient."

While Krul said it took a few times to get the suggested amendments to the Michigan legislature, it was finally adopted in November.

Even though charges for fleeing and eluding an officer on the water is now comparable to doing the same on land, Krul said all laws related to operating a motor vehicle/vessel should be comparable.

"What's the difference if they are both operated by a motor?" Krul asked.

New Baltimore police officer Sean Yax, who heads the city's marine division, sees the importance of having comparable laws but wishes people would also understand the dangers of drinking and driving on and off the water are also comparable.

"The big concern on the water, as far as I can see is, is the drinking," he said. "I don't think they see driving a boat as the same thing to driving a vehicle."

The man charged with murdering Bezenah in 1990 was intoxicated and driving recklessly on the water.

While Yax said New Baltimore hasn't had the opportunity to truly patrol the waters of Lake St. Clair yet, he acknowledged the importance of having patrol vessels on the water.

"This is one of the heaviest traveled waterways," he said.

## **In the line of duty : a tribute to fallen law enforcement officers from the state of Michigan**

<http://www.worldcat.org/title/in-the-line-of-duty-a-tribute-to-fallen-law-enforcement-officers-from-the-state-of-michigan/oclc/54039576>

**LIEUTENANT DONALD A. BEZENAH**  
**08/31/1990**

Lieutenant Donald Bezenah's death transformed a holiday weekend into a time of mourning for the community of St. Clair County, Michigan. Lieutenant Bezenah, who had worked for the St. Clair Sheriff's Department Marine Division for fourteen years, was patrolling in the Anchor Bay area. He spotted a speedboat and turned activated his siren and lights. The driver of the boat was signaled to stop, but he sped away. As the chase got underway, Macomb officers radioed for assistance from the U.S. Coast Guard.

tance from the U.S. Coast Guard.

According to witnesses, the speedboat was "racing" and "fishtailing," as it circled the Lieutenant's boat. Then, inexplicably, it plowed into the side of Lieutenant Bezenah's boat, splintering it.

The suspect was held without bond and was charged with murder.

Lieutenant Bezenah died instantly. He was born in St. Clair and retired after serving 21 years in the United States Navy. He was a former volunteer fireman with the Jacksonville, Florida Fire Department and was the officer in charge of the Marine Division of the St. Clair County Sheriff's Department.

Lieutenant Bezenah was survived by his wife Pam and one son. His friends described him by saying "There isn't one person who could say anything bad about Don. He was a first-class man."

**Author:** [Isaiah McKinnon](#)

**Publisher:** Paducah, Ky.: Turner Pub. Co., ©2003.

## REMEMBERING OUR FALLEN: THE STORY OF RONNIE GILL

Eshanthi Ranasinghe, Special Projects Associate, National Law Enforcement Officers Memorial Fund

Ronald Gill was working as an executive chef at an upscale restaurant in Cranston, R.I., when two airliners slammed into the World Trade Center in lower Manhattan and brought the twin towers crumbling to the ground. It was a day that would change the course of history and, eventually, the course of Ronnie Gill's life.

Ready for a change and feeling a call to duty after 9/11, Ronnie traded in his safe job and comfortable life for a career filled with service, uncertainty and, yes, danger. The Johnson & Wales culinary arts graduate enlisted in the U.S. Coast Guard Reserve in Cape Cod, Mass., and found his true calling as a guardsman. When he got a chance to go to Alaska as part of a homeland security unit, he took it immediately, leaving his close-knit family and the town he grew up in to serve his country.

Ronnie Gill worked hard as a port security specialist — a sworn law enforcement officer — in the Coast Guard in Anchorage, and he enjoyed every moment of it. For three years, he helped keep America's borders safe. He also met and married his wife, Ambur, and fell in love with Alaska's rugged landscape. If love alone could keep a man alive, Ronnie would have lived forever. But Ronnie Gill, despite what his father called his "heart of gold," despite his young, athletic build, and despite all the love that surrounded him, could not escape death.

Port Security Specialist Ronald Alan Gill Jr., was killed on March 25, 2007, when he was ejected from his patrol boat while running maritime security operations in the Puget Sound off the coast of Seattle.



His head struck the propeller of the boat, causing injuries that turned fatal as he was airlifted to a hospital.

Specialist Gill is the nineteenth U.S. law enforcement officer in history to die in a boating accident while on duty. He, along with 180 other law enforcement officers who died in the line of duty during 2007, will be honored during National Police Week in Washington, D.C., this May. His name will be engraved on the walls of the National Law Enforcement Officers Memorial, so that Specialist Gill and his service are marked forever in American history.

The risk of serious injury or death is a sacrifice all law enforcement officers must make. Yet, despite the magnitude of the risk, more than 900,000 federal, state and local law enforcement officers still answer the call to law enforcement service, just as Specialist Gill did. While most of us will never know what the risk is like and will never feel the pain of loss that Ronnie's family does, it is important that our nation remember these brave individuals and continue to do all that we can to ensure their safety.

The National Association of State Boating Law Administrators, with its dedication to strengthening state and territorial boating authorities, and to reducing boating death and injury, is an important part of this worthy mission.

Specialist Gill's was the first line-of-duty law enforcement death caused by a boating accident in six years. Before him, Officers Christopher Ferreby and Scott Chism, also from the U.S. Coast Guard, died as result of a tragic boating accident while on a drug surveillance mission in March 2001.

According to research records of the National Law Enforcement Officers Memorial Fund, the earliest recorded boating accident deaths among U.S. law enforcement officers occurred in September 1919. Game Warden Harry Raymond and Captain Joe Williams of the Texas Parks & Wildlife Department were trying to anchor a department boat during an oncoming hurricane when a large wave swept them overboard. Just two months later, two members of the New York City Police Department were patrolling the Harlem River when their police patrol boat collided with another boat and capsized. In fact, five of the 23 line-of-duty boating deaths in U.S. history involved members of the NYPD.

The 1920s were a difficult time for law enforcement boating accidents, with seven deaths in that decade alone. America didn't see another death of that kind for 35 years.

No matter what the situation, whether on land or in the water, when an officer of the law faces a criminal, what may seem like a predictable situation can quickly turn fatal. Such was the case in August 1990, when Lieutenant Donald Bezenah, of the St Clair County (MI) Sheriff's Office, was attempting to stop a drunk boater. The man intentionally rammed Lieutenant Bezenah's boat; the impact killed him.

[www.nasbla.org](http://www.nasbla.org) | small craft advisory | may - june 2008 | page 4

<http://www.nasbla.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=3fa7c4a3-80b3-6a9d-9566-e834877892ab>

"Our thoughts are with all of these brave heroes, and with the families who lost loved ones this past year and throughout law enforcement history," said Craig W. Floyd, CEO and chairman of the National Law Enforcement Officers Memorial Fund. "As it was their duty to serve, it is our duty to tell their stories, to remember and honor them, so that we all may be inspired by their lives, their sacrifice, their bravery."

Within three hours of Ronnie's death, a Coast Guard officer and a Navy Chaplain were at the Gill family's front door in



Ron and Rosemary Gill look at a photo memorial of their son, Coast Guard Petty Officer 3rd Class Ronald Gill, who was killed in the line of duty March 25, 2007. The memorial was added to the Coast Guard hall in the Rhode Island Veterans Home in Bristol Wednesday, August 15. U.S. Coast Guard photo/Petty Officer 2nd Class Lauren Dovers

enforcement officers. That he was loved, and that he will never be forgotten.

For more information about the National Law Enforcement Officers Memorial Fund and National Police Week, visit [www.nleomf.org](http://www.nleomf.org). ■

Cranston. Ron Gill Sr., his wife, Rosemary, and their younger son, Jon, found out that their 26-year-old practical joker, their master chef, their Ronnie was gone.

Thinking back to Ronnie's recruiting officer, who came to the family after the accident with feelings of both grief and guilt, Ron Gill Sr. told *The Providence Journal*. "He has nothing to feel bad about...He helped my son become a better man."

We know about Ronnie what we pray for all of America's brave law



Two Coast Guard officers lay roses on a memorial during the 16th Annual National Law Enforcement Officers Memorial Wreathlaying Ceremony on Oct. 10 2007, in Washington, D.C. The officers were honoring Petty Officer 3rd Class Ronald Gill, who was killed during a maritime security exercise in Seattle. U.S. Coast Guard photo/Petty Officer 1st Class Adam Eiggers

## Officers Killed in Boating Accidents

(Name, Agency, End-of-Watch Date)

- Game Warden Harry Raymond, Texas Parks and Wildlife Department, 09/14/1919
- Captain Joe Williams, Texas Parks and Wildlife Department, 09/14/1919
- Patrolman James Hughes, New York (NY) Police Department, 11/19/1919
- Patrolman John McIntyre, New York (NY) Police Department, 11/19/1919
- Sheriff William Monroe, St. Lucie County (FL) Sheriff's Department, 03/25/1921
- Patrolman John McGlyn, New York (NY) Police Department, 10/18/1924
- Sergeant Neil Gibbons, New York (NY) Police Department, 10/19/1924
- Game Warden William Nattkemper, Indiana Department of Natural Resources, 04/27/1926
- Game Warden William Peare, Indiana Department of Natural Resources, 04/27/1926
- Ranger Fred Johnson, U.S. Department of the Interior, National Park Service, 02/20/1929
- Ranger Glen Sturdevant, U.S. Department of the Interior, National Park Service, 02/20/1929
- Auxiliary Officer Aldo Santini, Westport (CT) Police Department, 08/01/1964
- Game Warden Lloyd Gustin, Texas Parks and Wildlife Department, 03/25/1968
- Officer Maurice Erben, New York (NY) Police Department, 10/13/1970
- Sergeant Jim Cook, Florida Game & Fresh Water Fish Commission, 12/08/1972
- Game Warden Barry Decker, Texas Parks & Wildlife Department, 05/26/1990
- Game Warden Bruce Hill, Texas Parks & Wildlife Department, 05/26/1990
- Lieutenant Donald Bezenah, St. Clair County (MI) Sheriff's Office, 08/31/1990
- Criminal Investigator Manuel Zurita, U.S. Customs Service, 01/06/1998
- Petty Officer Second Class Scott Chism, U.S. Coast Guard, 03/24/2001
- Seaman Christopher Ferreby, U.S. Coast Guard, 03/24/2001
- Port Security Specialist Ronald Gill Jr., U.S. Coast Guard, 03/25/2007
- Game Warden Teyran "Ty" Patterson, Texas Parks & Wildlife Department, 05/30/2007

## THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

**750.479a Failure to obey direction of police or conservation officer to stop motor vehicle or vessel; violation of subsection (1); fleeing and eluding as felony; penalty; suspension of license; revocation; conviction and sentence under other provision; definitions.**

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.

Rendered Friday, June 23, 2017

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Michigan Compiled Laws Complete Through PA 50 of 2017

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[http://www.legislature.mi.gov/\(S\(l2eg3bqi0dl3qoq5h1d4nlgo\)\)/documents/mcl/pdf/mcl-750-479a.pdf](http://www.legislature.mi.gov/(S(l2eg3bqi0dl3qoq5h1d4nlgo))/documents/mcl/pdf/mcl-750-479a.pdf)

(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".

**History:** Add. 1966, Act 299, Eff. Mar. 10, 1967;—Am. 1988, Act 407, Eff. Mar. 30, 1989;—Am. 1996, Act 586, Eff. June 1, 1997;—Am. 1998, Act 344, Eff. Oct. 1, 1999;—Am. 2002, Act 270, Eff. July 15, 2002;—Am. 2012, Act 60, Eff. Nov. 1, 2012.