



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

IMPERSONATING A POLICE OFFICER

House Bills 5700 and 5701

Sponsor: Rep. Raymond Basham

Committee: Criminal Law and Corrections

Complete to 8-28-00

A SUMMARY OF HOUSE BILLS 5700 AND 5701 AS INTRODUCED 5-2-00

Under the Michigan Penal Code (MCL 750.215), it is a misdemeanor to falsely act as a sheriff, deputy sheriff, conservation officer, coroner, constable, police officer, or member of the Michigan State Police. The provision prohibits a person from falsely assuming or pretending to be an officer, from taking upon himself or herself to act as such, from requiring another person to aid and assist him or her in any matter pertaining to the duty of an officer, and from falsely taking upon himself or herself to act or officiate in any office or place of authority. The violation is punishable by imprisonment for up to one year or by a fine of up to \$500.

House Bill 5700 would rewrite this provision. The bill would prohibit anyone who is not a peace officer or medical examiner from performing the duties of those positions without authorization. It would also prohibit a person from claiming to be a peace officer or medical examiner for any unlawful purpose. A violation of either prohibition would be misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$500, or both.

Further, if a person performed the duties of a peace officer or claimed that he or she was a peace officer in order to commit or attempt to commit a felony, he or she would be guilty of a felony punishable by imprisonment for up to four years, a fine of up to \$2,000, or both. Any sentence for such a felony would have to be served consecutively to any term of imprisonment imposed for the underlying felony, and the sentence could not be suspended.

A "peace officer" would be defined to include: a state or local police officer; a police officer of a junior college, college or university who is authorized to enforce state law and the rules and ordinances of the college or university; a conservation officer of the Department of Natural Resources or the Department of Environmental Quality; and a conservation officer of the federal Department of the Interior.

House Bill 5701 would amend the Code of Criminal Procedure's statutory sentencing guidelines (MCL 777.161) to include the crime of impersonating a peace officer to attempt or commit a felony, which would be a class F crime against public safety with a four year statutory maximum. The bill would not take effect unless House Bill 5701 were also enacted.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.