

SUBSTITUTE FOR
HOUSE BILL NO. 4781

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 215 (MCL 750.215), as amended by 1991
PA 145.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 215. (1) ~~Any person who falsely assumes or pretends~~
2 ~~to be a sheriff, deputy sheriff, conservation officer, coroner,~~
3 ~~constable, police officer, or member of the Michigan state~~
4 ~~police, and shall take upon himself or herself to act as such, or~~
5 ~~to require any person to aid and assist him or her in any matter~~
6 ~~pertaining to the duty of a sheriff, deputy sheriff, conservation~~
7 ~~officer, coroner, constable, police officer, or member of the~~
8 ~~Michigan state police, or shall falsely take upon himself or~~
9 ~~herself to act or officiate in any office or place of authority,~~
10 ~~shall be~~ AN INDIVIDUAL WHO IS NOT A PEACE OFFICER, PUBLIC

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1 EMPLOYEE WITH LAW ENFORCEMENT OR REGULATORY ENFORCEMENT DUTIES,
2 OR AN ELECTED OFFICIAL SHALL NOT PERFORM THE DUTIES OF A PEACE
3 OFFICER, PUBLIC EMPLOYEE WITH LAW ENFORCEMENT OR REGULATORY
4 ENFORCEMENT DUTIES, OR AN ELECTED OFFICIAL WITHOUT AUTHORIZATION
5 OR REPRESENT TO ANOTHER PERSON THAT HE OR SHE IS A PEACE OFFICER,
6 PUBLIC EMPLOYEE WITH LAW ENFORCEMENT OR REGULATORY ENFORCEMENT
7 DUTIES, OR AN ELECTED OFFICIAL FOR ANY UNLAWFUL PURPOSE. AN
8 INDIVIDUAL WHO VIOLATES THIS SUBSECTION IS guilty of a misde-
9 meanor ~~—~~ punishable by imprisonment for not more than 1 year
10 ~~—~~ or ~~by~~ A fine of not more than \$500.00, OR BOTH.

11 (2) AN INDIVIDUAL WHO IS NOT A PEACE OFFICER, PUBLIC
12 EMPLOYEE WITH LAW ENFORCEMENT OR REGULATORY ENFORCEMENT DUTIES,
13 OR AN ELECTED OFFICIAL SHALL NOT PERFORM THE DUTIES OF A PEACE
14 OFFICER, PUBLIC EMPLOYEE WITH LAW ENFORCEMENT OR REGULATORY
15 ENFORCEMENT DUTIES, OR AN ELECTED OFFICIAL WITHOUT AUTHORIZATION
16 OR REPRESENT TO ANOTHER PERSON BY IDENTIFICATION OR ANY OTHER
17 MEANS THAT HE OR SHE IS A PEACE OFFICER, PUBLIC EMPLOYEE WITH LAW
18 ENFORCEMENT OR REGULATORY ENFORCEMENT DUTIES, OR AN ELECTED OFFI-
19 CIAL WITH INTENT TO DO 1 OR MORE OF THE FOLLOWING:

20 (A) GAIN OR ATTEMPT TO GAIN ENTRY TO A RESIDENCE, BUILDING,
21 STRUCTURE, FACILITY, OR OTHER PROPERTY.

22 (B) REMAIN OR ATTEMPT TO REMAIN IN OR UPON A RESIDENCE,
23 BUILDING, STRUCTURE, FACILITY, OR OTHER PROPERTY.

24 (C) COMMIT OR ATTEMPT TO COMMIT A CRIME.

25 (D) GAIN ACCESS OR ATTEMPT TO GAIN ACCESS TO A PERSON LESS
26 THAN 18 YEARS OF AGE OR A VULNERABLE ADULT.

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1 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), AN INDIVIDUAL WHO
2 VIOLATES SUBSECTION (2) IS GUILTY OF A FELONY PUNISHABLE BY
3 IMPRISONMENT FOR NOT MORE THAN 4 YEARS.

4 (4) AN INDIVIDUAL WHO, IN VIOLATION OF SUBSECTION (2), PER-
5 FORMS THE DUTIES OF A PEACE OFFICER, PUBLIC EMPLOYEE WITH LAW
6 ENFORCEMENT OR REGULATORY ENFORCEMENT DUTIES, OR AN ELECTED OFFI-
7 CIAL TO COMMIT OR ATTEMPT TO COMMIT A VIOLATION OF SECTION 520B,
8 520C, 520D, 520E, OR 520G, OR ANY OTHER CRIME RESULTING IN SERI-
9 OUS INJURY OR DEATH, OR REPRESENTS TO ANOTHER PERSON THAT HE OR
10 SHE IS A PEACE OFFICER, PUBLIC EMPLOYEE WITH LAW ENFORCEMENT OR
11 REGULATORY ENFORCEMENT DUTIES, OR AN ELECTED OFFICIAL TO COMMIT
12 OR ATTEMPT TO COMMIT A VIOLATION OF SECTION 520B, 520C, 520D,
13 520E, OR 520G, OR ANY OTHER CRIME RESULTING IN SERIOUS INJURY OR
14 DEATH, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
15 MORE THAN 10 YEARS.

16 (5) A SENTENCE IMPOSED UNDER THIS SECTION MAY RUN CONSECU-
17 TIVELY TO ANY TERM OF IMPRISONMENT IMPOSED FOR ANOTHER VIOLATION
18 ARISING FROM THE SAME TRANSACTION.

19 (6) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
20 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
21 OF LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
22 SECTION.

23 (7) AS USED IN THIS SECTION:

24 (A) "ELECTED OFFICIAL" MEANS AN INDIVIDUAL WHO IS ELECTED TO
25 ANY OF THE FOLLOWING:

26 (i) AN OFFICE ESTABLISHED BY THE STATE CONSTITUTION OF
27 1963.

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1 (ii) A PUBLIC OFFICE OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY
2 IN THIS STATE.

3 (iii) A DEPARTMENT, BOARD, AGENCY, INSTITUTION, COMMISSION,
4 COURT, AUTHORITY, DIVISION, COUNCIL, COLLEGE, UNIVERSITY, SCHOOL
5 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, SPECIAL DISTRICT, OR
6 OTHER PUBLIC ENTITY OF THIS STATE OR A CITY, VILLAGE, TOWNSHIP,
7 OR COUNTY IN THIS STATE.

8 (B) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

9 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVI-
10 SION OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, A MOTOR CAR-
11 RIER OFFICER OF THE DEPARTMENT OF STATE POLICE.

12 (ii) A POLICE OFFICER OF A JUNIOR COLLEGE, COLLEGE, OR UNI-
13 VERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THAT JUNIOR
14 COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE STATE LAW AND THE
15 RULES AND ORDINANCES OF THAT JUNIOR COLLEGE, COLLEGE, OR
16 UNIVERSITY.

17 (iii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
18 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

19 (iv) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT
20 OF THE INTERIOR.

21 (v) A SHERIFF OR DEPUTY SHERIFF.

22 (vi) A CONSTABLE.

23 (vii) A PEACE OFFICER OF A DULY AUTHORIZED POLICE AGENCY OF
24 THE UNITED STATES, INCLUDING, BUT NOT LIMITED TO, AN AGENT OF THE
25 DEPARTMENT OF SECRET SERVICE OR DEPARTMENT OF JUSTICE.

26 (C) "PUBLIC EMPLOYEE" MEANS AN EMPLOYEE OF THIS STATE OR A
27 CITY, VILLAGE, TOWNSHIP, OR COUNTY IN THIS STATE, OR A

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Sub. HB 4781 (H-3) as amended February 13, 2002

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1 DEPARTMENT, BOARD, AGENCY, INSTITUTION, COMMISSION, COURT,
2 AUTHORITY, DIVISION, COUNCIL, COLLEGE, UNIVERSITY, SCHOOL DIS-
3 TRICT, INTERMEDIATE SCHOOL DISTRICT, SPECIAL DISTRICT, OR OTHER
4 PUBLIC ENTITY OF THIS STATE OR A CITY, VILLAGE, TOWNSHIP, OR
5 COUNTY IN THIS STATE. PUBLIC EMPLOYEE DOES NOT INCLUDE AN INDI-
6 VIDUAL WHOSE EMPLOYMENT RESULTS FROM ELECTION.

7 (D) "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN
8 SECTION 479A.

9 (E) "VULNERABLE ADULT" MEANS AN INDIVIDUAL AGE 18 OR OLDER
10 WHO, BECAUSE OF AGE, DEVELOPMENTAL DISABILITY, MENTAL ILLNESS, OR
11 DISABILITY, WHETHER OR NOT DETERMINED BY A COURT TO BE AN INCA-
12 PACITATED INDIVIDUAL IN NEED OF PROTECTION, LACKS THE COGNITIVE
13 SKILLS REQUIRED TO MANAGE HIS OR HER PROPERTY.

[Enacting section 1. This amendatory act takes effect July 1,
2002.]