

SENATE BILL No. 228

February 20, 2001, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 216b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 216B. (1) AN INDIVIDUAL WHO IS NOT A PEACE OFFICER
2 SHALL NOT, WITH THE INTENT TO DO 1 OR MORE OF THE FOLLOWING,
3 INFORM ANOTHER INDIVIDUAL OR REPRESENT TO ANOTHER INDIVIDUAL BY
4 UNIFORM, IDENTIFICATION, OR ANY OTHER MEANS THAT HE OR SHE IS A
5 PEACE OFFICER:

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

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

10 (C) STOP OR DETAIN OR ATTEMPT TO STOP OR DETAIN A PERSON.

1 (D) STOP OR DETAIN OR ATTEMPT TO STOP OR DETAIN A MOTOR
2 VEHICLE.

3 (E) COMMIT OR ATTEMPT TO COMMIT A CRIME.

4 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), AN INDI-
5 VIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE
6 BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE
7 THAN \$1,000.00, OR BOTH.

8 (3) AN INDIVIDUAL WHO VIOLATES THIS SECTION AND HAS A PRIOR
9 CONVICTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
10 NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR
11 BOTH.

12 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION AND HAS 2 OR
13 MORE PRIOR CONVICTIONS IS GUILTY OF A FELONY PUNISHABLE BY
14 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
15 THAN \$4,000.00, OR BOTH.

16 (5) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED UNDER
17 THIS SECTION TO BE SERVED CONSECUTIVELY TO ANY TERM OF IMPRISON-
18 MENT IMPOSED FOR ANY OTHER VIOLATION ARISING OUT OF THE SAME
19 TRANSACTION.

20 (6) AS USED IN THIS SECTION:

21 (A) "PEACE OFFICER" MEANS 1 OR MORE OF THE FOLLOWING:

22 (i) A POLICE OFFICER OF THIS STATE OR ANOTHER STATE OR A
23 POLITICAL SUBDIVISION OF THIS STATE OR ANOTHER STATE.

24 (ii) A FEDERAL LAW ENFORCEMENT OFFICER.

25 (iii) THE SHERIFF OF A COUNTY OF THIS STATE OR ANOTHER STATE
26 OR THE SHERIFF'S DEPUTY.

1 (iv) A POLICE OR PUBLIC SAFETY OFFICER OF A COMMUNITY
2 COLLEGE, COLLEGE, OR UNIVERSITY WHO IS AUTHORIZED BY THE
3 GOVERNING BOARD OF THAT COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY
4 TO ENFORCE STATE LAW AND THE RULES AND ORDINANCES OF THAT COMMU-
5 NITY COLLEGE, COLLEGE, OR UNIVERSITY.

6 (v) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
7 RESOURCES OR DEPARTMENT OF ENVIRONMENTAL QUALITY.

8 (vi) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT
9 OF INTERIOR.

10 (vii) AN INVESTIGATOR OF THE DEPARTMENT OF ATTORNEY GENERAL.

11 (b) "PRIOR CONVICTION" MEANS A PRIOR CONVICTION FOR VIOLAT-
12 ING THIS SECTION OR SECTION 215, 216, OR 216A.

13 Enacting section 1. This amendatory act takes effect 90
14 days after the date it is enacted.