

# Legislative Analysis



## POLICE BADGES & UNIFORMS

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### Senate Bill 444

**Sponsor:** Sen. Michelle McManus

**House Committee:** Judiciary

**Senate Committee:** Judiciary

**Complete to 11-7-05**

## A SUMMARY OF SENATE BILL 444 AS PASSED BY THE SENATE 10-6-05

In general, the Michigan Penal Code prohibits a person from selling, furnishing, or possessing the badge (or facsimile of the badge) of any law enforcement agency. Certain exceptions apply.

Senate Bill 444 would amend the code to extend the current prohibition to apply also to patches and uniforms of law enforcement agencies and would also prohibit the act of wearing, exhibiting, displaying, or using the badge, patch, or uniform unless the act fell within one of the specified exemptions. Moreover, under the bill, a retirement badge would only continue to be exempted from the penalties if it were in the possession of the retired law enforcement officer. Similarly, the badge, patch, or uniform of a deceased officer could only be in the possession of the officer's spouse, child, or next of kin to continue to be automatically exempted. A new exemption would be created for an actor who was wearing the badge, patch, uniform, or facsimile while actually engaged in the acting profession. "Facsimile" would include both an exact replica and a close imitation of an existing item.

Currently, a violation is a misdemeanor punishable by a fine of not more than \$100. The bill would increase the penalty to include imprisonment for not more than 93 days, a fine of not more than \$500, or both.

The bill would also add a new section to the code to prohibit a person, other than a peace officer, from wearing or displaying the emblem, insignia, logo, service mark, or other law enforcement identification of any law enforcement agency, or the facsimile of any of those items, if either of the following applied:

- The person represented himself or herself to another as being a peace officer. "Peace officer" is defined in Section 215 of the code.
- The manner in which a law enforcement agency's emblem, insignia, logo, service mark, or other identification was worn or displayed would lead a reasonable person to falsely believe that the law enforcement agency was promoting or endorsing a commercial service or product or a charitable endeavor.

"Law enforcement identification" would mean any identification containing the words "law enforcement" or similar words, including, but not limited to, agent, enforcement

agent, detective, task force, fugitive recovery agent, or any combination of names that gave the impression that the bearer was in any way connected with the federal government, state government, or any political subdivision of a state government.

The penalty for a violation would also be a misdemeanor punishable by up to 93 days imprisonment, a fine of \$500, or both.

The bill would not apply to a person appointed by a Michigan court to serve as a bailiff or court officer under Section 8321 of the Revised Judicature Act or under MCR 3.106 or 2.103 of the Michigan Court Rules.

MCL 750.216a and 750.216b

**FISCAL IMPACT:**

The bill would have no fiscal impact on the state, and an indeterminate fiscal impact on local units of government. Misdemeanor offenders fall under the purview of local units of government, and depending on how the bill affected the numbers of misdemeanor convictions and associated sanctions imposed, it could increase local costs of misdemeanor probation or incarceration in the county jail, both of which vary from county to county. Any increase in penal fine revenue could benefit local libraries, which are the constitutionally-designated recipients of such revenue.

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