



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 444 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Senator Michelle A. McManus  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to prohibit an unauthorized person from selling, furnishing, or possessing the patch or uniform, or a facsimile of the patch or uniform, of a law enforcement agency. This would be in addition to the current prohibition against selling, furnishing, or possessing the badge, or a facsimile of the badge, of a law enforcement agency. The bill also would prohibit a person from wearing, exhibiting, displaying, or using a badge, patch, or uniform, or facsimile of those items. The bill would limit current exceptions that apply to a retirement badge or the badge of a deceased officer, and add an exception for a person engaged in the theatrical profession.

In addition, the bill would 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 a facsimile of those items, if the person represented himself or herself to another person as being a peace officer or if the wearing or displaying of the item would lead a reasonable person to believe falsely that the law enforcement agency was promoting or endorsing a commercial service or product or a charitable endeavor.

Under the bill, the current and proposed prohibitions would not apply to a bailiff or court officer appointed under the Revised Judicature Act or Michigan Court Rules.

A violation of the current prohibition is a misdemeanor punishable by a maximum fine of \$100. Under the bill, the penalty would be up to 93 days' imprisonment and/or a maximum fine of \$500 for a violation of the existing or proposed prohibitions.

MCL 750.216a et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. There are no statewide data available on misdemeanors to indicate how many offenders are currently convicted and would face an increased penalty under the bill. Nor are data available to indicate how many additional offenders would be convicted of the proposed misdemeanor. Local governments incur the cost of misdemeanor probation and incarceration, both of which vary by county. Public libraries would benefit from any additional penal fine revenue raised.

Date Completed: 9-29-05

Fiscal Analyst: Mike Hansen

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Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.