

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 444

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 216a (MCL 750.216a), as added by 1985 PA 78,
and by adding section 216b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 216a. (1) A person shall not sell, furnish, ~~or~~ possess,
2 **WEAR, EXHIBIT, DISPLAY, OR USE** the badge, **PATCH, OR UNIFORM**, or
3 facsimile of the badge, **PATCH, OR UNIFORM**, of any law enforcement
4 agency unless any of the following ~~occur~~ **APPLY**:

5 (a) The person receiving or possessing the badge, **PATCH,**
6 **UNIFORM**, or facsimile is authorized to receive or possess the
7 badge, **PATCH, UNIFORM**, or facsimile by the chief officer of the law
8 enforcement agency.

(b) The person receiving or possessing the badge, **PATCH, UNIFORM,** or facsimile is a member of the law enforcement agency.

(c) The badge is a retirement badge **AND IS IN THE POSSESSION OF THE RETIRED LAW ENFORCEMENT OFFICER.**

(d) The badge, **PATCH, OR UNIFORM** is the badge, **PATCH, OR UNIFORM** of a deceased law enforcement officer **AND IS IN THE POSSESSION OF HIS OR HER SPOUSE, CHILD, OR NEXT OF KIN.**

(e) The person receiving, ~~or~~ possessing, **EXHIBITING, DISPLAYING, OR USING** the badge, **PATCH, UNIFORM, OR FACSIMILE** is a collector of badges, **PATCHES, UNIFORMS, OR FACSIMILES.** ~~The~~ A badge, **PATCH, UNIFORM, OR FACSIMILE** POSSESSED AS PART OF A **COLLECTION** shall be ~~transported~~ in a container or display case **WHEN BEING TRANSPORTED.**

(F) THE PERSON IS IN THE THEATRICAL PROFESSION AND WEARS THE **BADGE, PATCH, UNIFORM, OR FACSIMILE** WHILE ACTUALLY ENGAGED IN **FOLLOWING THAT PROFESSION.**

(2) A person who violates this section is guilty of a misdemeanor ~~—~~ punishable by **IMPRISONMENT FOR NOT MORE THAN 93 DAYS** OR a fine of not more than ~~\$100.00~~ **\$500.00, OR BOTH.** A **CHARGE UNDER OR A CONVICTION OR PUNISHMENT FOR A VIOLATION OF THIS SECTION DOES NOT PREVENT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME TRANSACTION.**

(3) AS USED IN THIS SECTION AND SECTION 216B, "FACSIMILE" INCLUDES BOTH AN EXACT REPLICA OF AN EXISTING ITEM AND A CLOSE IMITATION OF AN EXISTING ITEM.

(4) THIS SECTION DOES NOT APPLY TO A PERSON APPOINTED BY A

1 COURT OF THIS STATE TO SERVE AS A BAILIFF OR COURT OFFICER UNDER
2 SECTION 8321 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
3 MCL 600.8321, OR UNDER MCR 3.106 OR MCR 2.103.

4 SEC. 216B. (1) A PERSON, OTHER THAN A PEACE OFFICER, SHALL NOT
5 WEAR OR DISPLAY THE EMBLEM, INSIGNIA, LOGO, SERVICE MARK, OR OTHER
6 LAW ENFORCEMENT IDENTIFICATION OF ANY LAW ENFORCEMENT AGENCY, OR A
7 FACSIMILE OF ANY OF THOSE ITEMS, IF EITHER OF THE FOLLOWING
8 APPLIES:

9 (A) THE PERSON REPRESENTS HIMSELF OR HERSELF TO ANOTHER PERSON
10 AS BEING A PEACE OFFICER. AS USED IN THIS SUBDIVISION, "PEACE
11 OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.

12 (B) THE WEARING OR DISPLAY OCCURS IN A MANNER THAT WOULD LEAD
13 A REASONABLE PERSON TO FALSELY BELIEVE THAT THE LAW ENFORCEMENT
14 AGENCY WHOSE EMBLEM, INSIGNIA, LOGO, SERVICE MARK, OR OTHER LAW
15 ENFORCEMENT IDENTIFICATION OR FACSIMILE IS BEING WORN OR DISPLAYED
16 IS PROMOTING OR ENDORSING A COMMERCIAL SERVICE OR PRODUCT OR A
17 CHARITABLE ENDEAVOR.

18 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
19 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
20 A FINE OF NOT MORE THAN \$500.00, OR BOTH. A CHARGE UNDER OR A
21 CONVICTION OR PUNISHMENT FOR A VIOLATION OF THIS SECTION DOES NOT
22 PREVENT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR PUNISHED
23 FOR ANY OTHER VIOLATION OF LAW ARISING FROM THE SAME TRANSACTION.

24 (3) AS USED IN THIS SECTION, "LAW ENFORCEMENT IDENTIFICATION"
25 MEANS ANY IDENTIFICATION THAT CONTAINS THE WORDS "LAW ENFORCEMENT"
26 OR SIMILAR WORDS, INCLUDING, BUT NOT LIMITED TO, "AGENT",
27 "ENFORCEMENT AGENT", "DETECTIVE", "TASK FORCE", "FUGITIVE RECOVERY

1 AGENT", OR ANY OTHER COMBINATION OF NAMES THAT GIVES THE IMPRESSION
2 THAT THE BEARER IS ANY WAY CONNECTED WITH THE FEDERAL GOVERNMENT,
3 STATE GOVERNMENT, OR ANY POLITICAL SUBDIVISION OF A STATE
4 GOVERNMENT. HOWEVER, LAW ENFORCEMENT IDENTIFICATION DOES NOT
5 INCLUDE "BAIL AGENT" OR "BONDSMAN" WHEN USED BY A BAIL AGENT OR
6 BONDSMAN OPERATING IN ACCORDANCE WITH SECTION 167B.

7 (4) THIS SECTION DOES NOT APPLY TO A PERSON APPOINTED BY A
8 COURT OF THIS STATE TO SERVE AS A BAILIFF OR COURT OFFICER UNDER
9 SECTION 8321 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
10 MCL 600.8321, OR UNDER MCR 3.106 OR MCR 2.103.

11 Enacting section 1. This amendatory act takes effect January
12 1, 2006.