

SENATE BILL No. 444

April 28, 2005, Introduced by Senators McMANUS, VAN WOERKOM, BIRKHOLZ, TOY, JOHNSON, GOSCHKA, ALLEN, JACOBS, BASHAM, CASSIS and BISHOP and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 216. A person who wears, exhibits, displays, or uses, for
2 any purpose, the badge or uniform or a badge or uniform
3 substantially identical to that prescribed by the department of
4 state police for officers of the department, unless he or she is a
5 member of the department, is guilty of a misdemeanor **PUNISHABLE BY**
6 **IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN**
7 **\$500.00, OR BOTH.** However, this section ~~shall not be construed to~~

1 **DOES NOT** prohibit persons of the theatrical profession from wearing
 2 ~~such~~ A badge or uniform **DESCRIBED IN THIS SECTION** in any playhouse
 3 or theatre while actually engaged in following that profession.

4 Sec. 216a. (1) A person shall not sell, furnish, or possess
 5 the badge, **LOGO, SERVICE MARK, PATCH, OR UNIFORM** or facsimile of
 6 the badge, **LOGO, SERVICE MARK, PATCH, OR UNIFORM** of any law
 7 enforcement agency unless any of the following ~~occur~~ **APPLY**:

8 (a) The person receiving or possessing the badge, **LOGO,**
 9 **SERVICE MARK, PATCH, UNIFORM,** or facsimile is authorized to receive
 10 or possess the badge, **LOGO, SERVICE MARK, PATCH, UNIFORM,** or
 11 facsimile by the chief officer of the law enforcement agency.

12 (b) The person receiving or possessing the badge, **LOGO,**
 13 **SERVICE MARK, PATCH, UNIFORM,** or facsimile is a member of the law
 14 enforcement agency.

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

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

21 (e) The person receiving or possessing the badge, **LOGO,**
 22 **SERVICE MARK, PATCH, UNIFORM, OR FACSIMILE** is a collector of
 23 ~~badges~~ **ANY OR ALL OF THOSE ITEMS.** The badge, **LOGO, SERVICE MARK,**
 24 **PATCH, UNIFORM, OR FACSIMILE** shall be transported in a container or
 25 display case.

26 (2) A person who violates this section is guilty of a
 27 misdemeanor — punishable by **IMPRISONMENT FOR NOT MORE THAN 93**

1 **DAYS OR** a fine of not more than ~~-\$100.00~~ **\$500.00, OR BOTH.**