



SENATE BILL No. 368

February 9, 1993, Introduced by Senator VAN REGENMORTER
and WELBORN and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled as amended
"The Michigan penal code,"
as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding section 216b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 216b to read as follows:

4 SEC. 216B. (1) AN INDIVIDUAL WHO IS NOT A PEACE OFFICER
5 SHALL NOT DO EITHER OF THE FOLLOWING:

6 (A) INFORM ANOTHER INDIVIDUAL THAT HE OR SHE IS A PEACE
7 OFFICER IN ORDER TO COMMIT OR ATTEMPT TO COMMIT A CRIME.

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1 (B) REPRESENT TO ANOTHER INDIVIDUAL BY UNIFORM, BADGE,
2 IDENTIFICATION CARD, OR ANY OTHER MEANS THAT HE OR SHE IS A PEACE
3 OFFICER IN ORDER TO COMMIT OR ATTEMPT TO COMMIT A CRIME.

4 (2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IN ORDER TO
5 COMMIT OR ATTEMPT TO COMMIT A MISDEMEANOR IS GUILTY OF A MISDE-
6 MEANOR AND SHALL BE PUNISHED BY IMPRISONMENT FOR 1 YEAR.

7 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), AN INDI-
8 VIDUAL WHO VIOLATES THIS SECTION IN ORDER TO COMMIT OR ATTEMPT TO
9 COMMIT A FELONY IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY
10 IMPRISONMENT FOR 2 YEARS.

11 (4) AN INDIVIDUAL WHO COMMITS A SECOND VIOLATION OF THIS
12 SECTION IN ORDER TO COMMIT OR ATTEMPT TO COMMIT A FELONY IS
13 GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR 5 YEARS.

14 (5) AN INDIVIDUAL WHO COMMITS A THIRD OR SUBSEQUENT VIOLA-
15 TION OF THIS SECTION IN ORDER TO COMMIT OR ATTEMPT TO COMMIT A
16 FELONY IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR 10
17 YEARS.

18 (6) A TERM OF IMPRISONMENT PRESCRIBED UNDER THIS SECTION IS
19 IN ADDITION TO THE SENTENCE IMPOSED FOR THE CONVICTION OF THE
20 CRIME OR THE ATTEMPT TO COMMIT THE CRIME AND SHALL BE SERVED CON-
21 SECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED
22 FOR THE CONVICTION OF THE CRIME OR ATTEMPT TO COMMIT THE CRIME.

23 (7) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION SHALL
24 NOT BE SUSPENDED. THE INDIVIDUAL SUBJECT TO THE SENTENCE MAN-
25 DATED UNDER THIS SECTION IS NOT ELIGIBLE FOR PAROLE OR PROBATION
26 DURING THE MANDATORY TERM.

1 (8) AS USED IN THIS SECTION:

2 (A) "FELONY" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE
3 DESIGNATED AS A FELONY OR FOR WHICH THE INDIVIDUAL MAY BE PUN-
4 IShed BY MORE THAN 1 YEAR OF IMPRISONMENT.

5 (B) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

6 (i) A POLICE OR CONSERVATION OFFICER OF THIS STATE OR OF A
7 POLITICAL SUBDIVISION OF THIS STATE.

8 (ii) A POLICE OR CONSERVATION OFFICER OF THE UNITED STATES.

9 (iii) A POLICE OR CONSERVATION OFFICER OF ANOTHER STATE OR
10 OF A POLITICAL SUBDIVISION OF ANOTHER STATE.