



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 242 (as passed by the Senate)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 2-15-95

RATIONALE

In recent years, there apparently has been a rash of incidents in this State, particularly in southeastern Michigan, of criminals impersonating police officers in order to commit crimes. According to a representative of the Wayne County prosecutor's office, 34 of these occurrences were reported in Wayne County during 1992. Since most people would believe and trust a person who portrays himself or herself as an officer of the law, it is felt that victims of a criminal posing as an officer are particularly vulnerable. Some people believe that this type of criminal activity should itself be a felony and that severe penalties should apply to those who violate the public trust by committing crimes under the guise of being a peace officer.

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person who was not a peace officer from informing another, or representing to another by uniform, badge, identification card, or any other means, that he or she was a peace officer in order to commit or attempt to commit a crime. The bill would take effect on October 1, 1995.

A person who impersonated an officer to commit or attempt a crime would be guilty of a felony, punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both. A second violation would be punishable by up to five years' imprisonment and/or a maximum fine of \$5,000, and a third or subsequent violation would be punishable by up to 10 years' imprisonment and/or a maximum fine of \$10,000.

A term of imprisonment imposed under the bill would be in addition to a sentence imposed for the conviction of the crime or attempted crime

underlying the violation and could be served consecutive to, and preceding, a term of imprisonment for the underlying crime or attempted crime.

"Peace officer" would include a police or conservation officer of this State or any of its political subdivisions; a Federal police or conservation officer; and a police or conservation officer of another state or a state's political subdivision.

Proposed MCL 750.216b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The criminal tactic of posing as a law enforcement officer in order to commit a crime serves to erode public confidence in the police. These actions are particularly despicable because they put victims at even greater risk by preying on their expected trust of those who have pledged to serve and protect the public. The bill appropriately would subject those who engaged in this kind of criminal activity to enhanced penalties.

Legislative Analyst: P. Affholter

FISCAL IMPACT

There are no data currently available that would indicate how many people might be convicted of impersonating a peace officer in order to commit or attempt to commit a crime. The Department of Corrections could incur additional costs for those individuals convicted of a first, second, third, or

subsequent violation of impersonation with intent to commit a felony. If 10 people were convicted each year, and if one assumes they would receive, on average, a two-year minimum sentence, costs could increase by \$300,000 after the second year. Increased costs resulting from repeat violations would depend on the number of people convicted.

Fiscal Analyst: M. Hansen

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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.