
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 6 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Loren Bennett
Committee: Judiciary

Date Completed: 2-12-97

RATIONALE

When a person claiming or appearing to represent a utility provider approaches a resident seeking entrance to his or her property to read a meter or perform some other service, most people presumably believe the person and grant him or her entrance. Although utility providers may urge their customers to be diligent about securing identification or otherwise confirming a utility worker's credentials, some criminals have been known to impersonate utility employees in order to enter a home for purposes of theft. Reportedly, there were 25 incidents in 1996 in which people impersonated representatives of just one of the utilities operating in Michigan. Criminals who use this tactic may be more likely to take advantage of elderly citizens or children, because those groups are less likely to challenge the imposters' credentials or intentions. Some people feel that impersonating a utility worker for the purpose of gaining entry to property or committing a crime should be a separate felony, in order to deter that practice, provide additional punishment, and protect vulnerable citizens.

CONTENT

The bill would amend the Michigan Penal Code to prohibit an individual who was not employed by a "public utility" from informing another or representing to another by uniform, identification, or any other means that he or she was employed by a public utility with intent to do one or more of the following:

- Gain or attempt to gain entry to a residence, building, structure, facility, or other property.
- Remain or attempt to remain in or upon a residence, building, structure, facility, or other property.
- Commit or attempt to commit a crime.

A violation of the bill would be a felony, punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both. The sentencing court could impose a term of imprisonment to be served consecutively to any term of imprisonment imposed for a conviction of a crime or attempted crime arising out of the same transaction or resulting from the violation.

"Public utility" would mean a utility that provided steam, gas, heat, electricity, water, cable television, telecommunications services, or pipeline services, whether privately, municipally, or cooperatively owned.

Proposed MCL 750.217b

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

According to testimony before the Senate Judiciary Committee by Detroit Edison officials, there were 25 incidents of impersonation of Edison employees for criminal purposes last year. Reportedly, in one of these incidents, a person claiming to be a utility worker gained entry to the home of two elderly women by saying he was there to check their electric service. Another person then entered and the two men kept the residents occupied with the fake inspection while a third person, of whom the women were unaware, entered the home and took \$230 in cash. By making the impersonation of utility workers for criminal purposes a separate felony, the bill would provide an additional tool for law enforcement efforts to fight this type of crime. Deterring these fraudulent activities also would provide additional protection to residents, especially those who may be trusting and vulnerable. Since

the proposed offense would apply to situations in which someone posed as a utility worker simply to enter or remain on property, the offender would be subject to criminal penalties under the bill even if he or she could not be prosecuted for other criminal activity.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill could result in increased costs for the Department of Corrections.

The potential two-year prison sentence for the conviction of a person for impersonating a public utility employee in order to commit a crime could increase costs of incarceration for the Department of Corrections. While there are no data currently available that might indicate the potential number of annual convictions, if one assumes an increase of five annual convictions, two receiving a one-year sentence each, costs could increase by approximately \$30,000 per year. This assumes that judges would continue to sentence individuals in the same manner for the underlying crime for which the person impersonating the utility employee was 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.