

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 6 (as enrolled)  
Sponsor: Senator Loren Bennett  
Senate Committee: Judiciary  
House Committee: Judiciary

**PUBLIC ACT 159 of 1997**

Date Completed: 3-31-98

### **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 amended the Michigan Penal Code to prohibit an individual who is not employed by a "public utility" from informing another or representing to another by uniform, identification, or any other means that he or she is employed by that 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 is a felony, punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both.

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

The bill took effect on January 1, 1998.

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 in 1996. 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 provides an additional tool for law enforcement efforts to fight this type of crime. Deterring these fraudulent activities also provides additional protection to residents, especially those who may be trusting and vulnerable. Since the offense applies to situations in which someone poses as a utility worker simply to enter or remain on property, the offender is subject to criminal

penalties under the bill even if he or she cannot be prosecuted for other criminal activity.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill may 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 might 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 may increase by approximately \$30,000 per year. This assumes that judges will continue to sentence individuals in the same manner for the underlying crime for which the person impersonating the utility employee is convicted.

Fiscal Analyst: K. Firestone

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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.