

Senate Bill 117 (Substitute S-2 as reported)
Senate Bill 118 (Substitute S-1 as reported)
Sponsor: Senator Alan L. Cropsey (Senate Bill 117)
 Senator Alan Sanborn (Senate Bill 118)
Committee: Judiciary

CONTENT

Senate Bill 117 (S-2) would amend the Code of Criminal Procedure to include in the sentencing guidelines the felony offense of impersonating a peace officer. That offense would be designated in the guidelines as a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment. The bill is tie-barred to Senate Bill 118.

Senate Bill 118 (S-1) would amend the Michigan Penal Code to revise the prohibition against impersonating a police officer or coroner; create a felony penalty for impersonating a peace officer to commit or attempt to commit a crime; and allow consecutive sentencing for the felony and another violation.

Currently, it is a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$1,000 for a person falsely to assume or pretend to be a sheriff, deputy sheriff, conservation officer, coroner, constable, police officer, or member of the Michigan State Police; require someone to aid and assist the person in any matter pertaining to the duty of any of those offices; or officiate in any office or place of authority. The bill, instead, would prohibit an individual who was not a peace officer or a medical examiner from performing the duties of a peace officer or medical examiner without authorization; representing to another person that he or she was a peace officer or medical examiner for any unlawful purpose; or representing to another person that he or she was a peace officer or medical examiner with the intent to compel the person to do or refrain from doing any act against his or her will. Except as described below, a violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both.

It would be a felony punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both, if the offender performed the duties of a peace officer, or represented to another person that he or she was a peace officer, in order to commit or attempt to commit a crime. A sentence imposed for this offense could be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

"Peace officer" would mean a police officer of this State or a political subdivision of the State or another state; a sheriff or sheriff's deputy of a county of this or another state; a police or public safety officer of a community college, college, or university who was authorized by the educational institution's governing board to enforce State law and the rules and ordinances of that educational institution; a conservation officer of the Department of Natural Resources, the Department of Environmental Quality, or the U.S. Department of the Interior; a Federal law enforcement officer; or an investigator of the State Department of Attorney General.

MCL 777.16I (S.B. 117)
750.215 (S.B. 118)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

Senate Fiscal Agency

P. O. Box 30036

Lansing, Michigan 48209-7536

SFA  **Bill Analysis**

Telephone: (517) 373-5383

Fax: (517) 373-1986

TDD: (517) 373-0543

There are no statewide data available to indicate how many offenders are currently convicted of a misdemeanor for impersonating a peace officer or to indicate how many offenders would be convicted under the revised provision. Offenders convicted of a misdemeanor would continue to receive up to one year's imprisonment or a maximum fine of \$1,000, or under the bills, both. The cost of incarceration and probation for a misdemeanor is incurred by local units of government and varies by county.

There are no data available to indicate how many offenders would be convicted of a felony for impersonating a peace officer in order to commit a crime. It would be a Class F offense, for which an offender would be subject to a sentencing guideline minimum sentencing range from 0-3 months to 17-30 months. Local units would incur the cost of incarceration for offenders who received jail sentences in the lower minimum sentencing range, while the State would incur the cost of felony probation at \$4.38 per day and incarceration for offenders who received longer minimum sentences in a State prison, at an average annual cost of \$25,000. For each offender convicted, sentenced to prison, and given the longest allowable minimum sentence, it would cost the State \$62,500. The bills also could increase State costs by allowing a court to order that an offender serve this sentence consecutively to any sentence received for the underlying crime.

Date Completed: 2-19-03

Fiscal Analyst: Bethany Wicksall

S0304\117sa

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.