

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 117 and 118 (as introduced 1-30-03)
Sponsor: Senator Alan L. Cropsey (Senate Bill 117)
Senator Alan Sanborn (Senate Bill 118)
Committee: Judiciary

Date Completed: 2-18-03

CONTENT

Senate Bill 117 would amend the Code of Criminal Procedure to include in the sentencing guidelines impersonating a peace officer to commit or attempt to commit a felony. 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, as proposed under Senate Bill 118.

Senate Bill 118 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 felony; and require consecutive sentencing for the felony offense.

Currently, under the Penal Code, it is a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$1,000 for a person falsely to do any of the following:

- Assume or pretend to be a sheriff, deputy sheriff, conservation officer, coroner, constable, police officer, or member of the Michigan State Police.
- Require a person to aid and assist him or her in any matter pertaining to the duty of sheriff, deputy sheriff, conservation officer, coroner, constable, police officer, or member of the Michigan State Police.
- 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 either performing the duties of a peace officer or medical examiner without authorization, or representing to another person that he or she was a peace officer or medical examiner for any unlawful purpose. 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 \$2,000, 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 felony. A sentence imposed for this offense would have to be served consecutively to any term of imprisonment imposed for the underlying felony and could not be suspended.

Under the bill, "peace officer" would mean any of the following:

- A police officer of this State or a political subdivision of the State.
- A police officer of a junior 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.

Senate Bill 117 is tie-barred to Senate Bill 118.

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.

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 felony. 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 requiring that an offender serve this sentence consecutively to any sentence received for the underlying felony.

Fiscal Analyst: Bethany Wicksall

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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.