

## **BAN SOME USES OF UNIFORM, BADGES, & INSIGNIAS OF FIRE DEPTS & MEDICAL FIRST RESPONDERS**

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5719**

**Sponsor: Rep. Bill Caul**

**Committee: Judiciary**

**Complete to 5-9-06**

### **A SUMMARY OF HOUSE BILL 5719 AS INTRODUCED 2-21-06**

The bill would add a new section to the Michigan Penal Code to prohibit certain activities involving the use or possession of badges, patches, uniforms, emblems, insignia, logos, service marks, and other identification of fire departments and medical first response services by non-members or employees.

Under the bill, a person could not sell, furnish, possess, wear, exhibit, display, or use the badge, patch, or uniform, or a facsimile, of any fire department or medical first response service unless one or more of the following apply:

- The person is authorized to receive or possess any of those materials by the chief officer of the fire department or medical first response service.
- The person is a member of the fire department or an employee of the medical first response service.
- The badge is a retirement badge and in the possession of the retired member of the fire department or retired employee of the medical first response service.
- The badge, patch, or uniform belonged to a deceased member of the fire department or medical first response service and currently is in the possession of a spouse, child, or next of kin.
- The person receiving, possessing, exhibiting, displaying, or using a badge, patch, uniform, or facsimile is a collector and the badge, patch, uniform, or facsimile is possessed as part of a collection and is in a container or display case when being transported.
- The person is in the theatrical profession and wears the badge, patch, uniform, or facsimile while actually engaged in following that profession.

The bill would also prohibit any person, other than a member of a fire department or an employee of a medical first response service, from wearing or displaying the emblem, insignia, logo, service mark, or other identification of any fire department or medical first response service, or a facsimile of any of those items if:

- 1) The person represented himself or herself to another as being a member of that fire department or an employee of that medical first response service; or,

2) the activity occurred in a manner that would lead a reasonable person to falsely believe that the fire department or medical first response service whose emblem, insignia, logo, service mark, or other identification or facsimile was being worn or displayed was promoting or endorsing a commercial service or product or a charitable endeavor.

A violation of the prohibitions created by the bill would be a misdemeanor punishable by imprisonment for not more than 93 days and/or a fine of not more than \$500.

"Facsimile" would include both an exact replica of an existing item and a close imitation of an existing item. "Medical first response service" is defined in the Public Health Code (MCL 333.20906) and includes licensed individuals authorized by medical control to respond to the scene of an emergency before an ambulance.

#### **FISCAL IMPACT:**

To the extent that it increased the numbers of misdemeanor convictions, the bill could increase local costs of incarceration or misdemeanor probation supervision, both of which vary by county. To the extent that the bill led to increased collections of penal fine revenues, it could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Marilyn Peterson

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