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BILL ANALYSIS

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House Bill 4865 (Substitute H-1 as passed by the House)  
House Bill 4866 (as passed by the House)  
Sponsor: Representative Bill Caul  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 9-12-05

### **CONTENT**

**House Bills 4865 (H-1) and 4866 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prohibit and prescribe criminal penalties for impersonating a firefighter or emergency medical service (EMS) provider.**

The bills would take effect January 1, 2006. House Bill 4866 is tie-barred to House Bill 4865.

#### **House Bill 4865 (H-1)**

Under the bill, an individual who was not employed as a firefighter or EMS provider could not inform or represent to another individual by identification or any other means that he or she was employed in one of those capacities, with the intent to do one or more of the following:

- Perform the duties of a firefighter or EMS provider.
- Represent to another person that he or she was a firefighter or EMS provider for any unlawful purpose.
- Represent to another person that he or she was a firefighter or EMS provider with intent to compel the person to do or refrain from doing any act against his or her will.
- 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.
- Gain or attempt to gain access to financial account information.
- Commit or attempt to commit a crime.
- Obtain or attempt to obtain information to which the individual was not entitled.
- Gain access or attempt to gain access to a person under 18 years of age or a vulnerable adult.

A violation of the bill would be a felony punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both. A sentence imposed under the bill could be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

("Vulnerable adult" would mean that term as it is defined elsewhere in the Penal Code, i.e., an individual at least 18 years old who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently; a person placed in an adult foster care family home or an adult foster care small group home under the Adult Foster Care Facility Licensing Act; or a vulnerable person at least 18 years old who, under the Social Welfare Act, is suspected of being or is believed to be abused, neglected, or exploited.)

### **House Bill 4866**

The bill would include the felony proposed by House Bill 4865 (H-1) in the sentencing guidelines. Under House Bill 4866, impersonating a firefighter or EMS provider would be a Class G felony against the public safety, with a statutory maximum sentence of two years' imprisonment.

Proposed MCL 750.217f (H.B. 4865)  
MCL 777.16l (H.B. 4866)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of impersonating a firefighter or emergency medical service provider. The proposed felony would be a Class G offense with a sentencing guidelines minimum sentence range from 0-3 months to 7-23 months. Local units of government incur the cost of incarceration in a local facility, which varies by county. The State incurs the cost of felony probation at an average annual cost of \$2,000 as well as the cost of incarceration in a State facility, which for FY 2005-06 will have an average annual cost of approximately \$30,000. Public libraries would benefit from any additional penal fine revenue collected.

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.