



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5719 (Substitute H-1 as passed by the House)
Sponsor: Representative Bill Caul
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 9-1-06

CONTENT

The bill would amend the Michigan Penal Code to prohibit the unauthorized use of fire-fighters' or medical first responders' badges, patches, or uniforms, or facsimiles of those items.

The bill would take effect October 1, 2006.

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

- The person was authorized to receive or possess the item by the chief officer of the fire department, life support agency, or medical first response service.
- The person was a member of the fire department or an employee of the life support agency or medical first response service.
- The badge was a retirement badge and was in the possession of the retired individual or his or her spouse, child, or next of kin.
- The person was in the theatrical profession and wore the badge, patch, uniform, or facsimile while actually engaged in that profession.
- The person was a collector of badges, patches, uniforms, or facsimiles.

An item possessed as part of a collection would have to be in a container or display case when being transported.

In addition, a person who was not a member of a fire department or an employee of a life support agency or medical first response service could not wear or display the emblem, insignia, logo, service mark, or other identification of any fire department, life support agency, or medical first response service, or a facsimile of any of those items, if the person represented himself or herself to another person as being a member or employee of that organization, or if the wearing or display occurred in a manner that would lead a reasonable person falsely to believe that the fire department, life support agency, or medical first response service was promoting or endorsing a commercial service or product of a charitable endeavor.

A person who violated these provisions would be guilty of a misdemeanor punishable by imprisonment for up to 93 days, a maximum fine of \$500, or both.

Under the bill, "facsimile" would include both an exact replica of an existing item and a close imitation of an existing item.

"Life support agency" would mean that term as it is defined in the Public Health Code, i.e., an ambulance operation, nontransport prehospital life support operation, aircraft transport operation, or medical first response service.

"Medical first response service" also would mean that term as defined in the Public Health Code, i.e., a person licensed by the Department of Community Health to respond under medical control to an emergency scene with a medical first responder and certain required equipment before the arrival of an ambulance. The term includes a fire suppression agency only if it is dispatched for medical first response life support, and does not include a law enforcement agency unless the agency holds itself out as a medical first response service and the unit responding was dispatched to provide medical first response life support.

Proposed MCL 750.217g & 750.217h

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed offense. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.