

SUBSTITUTE FOR
HOUSE BILL NO. 5719

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding sections 217g and 217h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 217G. (1) A PERSON SHALL NOT SELL, FURNISH, POSSESS,
2 WEAR, EXHIBIT, DISPLAY, OR USE THE BADGE, PATCH, OR UNIFORM, OR
3 FACSIMILE OF THE BADGE, PATCH, OR UNIFORM, OF ANY FIRE DEPARTMENT,
4 LIFE SUPPORT AGENCY, OR MEDICAL FIRST RESPONSE SERVICE UNLESS 1 OR
5 MORE OF THE FOLLOWING APPLY:

6 (A) THE PERSON RECEIVING OR POSSESSING THE BADGE, PATCH,
7 UNIFORM, OR FACSIMILE IS AUTHORIZED TO RECEIVE OR POSSESS THE
8 BADGE, PATCH, UNIFORM, OR FACSIMILE BY THE CHIEF OFFICER OF THE
9 FIRE DEPARTMENT, LIFE SUPPORT AGENCY, OR MEDICAL FIRST RESPONSE

1 SERVICE.

2 (B) THE PERSON RECEIVING OR POSSESSING THE BADGE, PATCH,
3 UNIFORM, OR FACSIMILE IS A MEMBER OF THE FIRE DEPARTMENT OR AN
4 EMPLOYEE OF THE LIFE SUPPORT AGENCY OR MEDICAL FIRST RESPONSE
5 SERVICE.

6 (C) THE BADGE IS A RETIREMENT BADGE AND IS IN THE POSSESSION
7 OF THE RETIRED MEMBER OF THE FIRE DEPARTMENT OR RETIRED EMPLOYEE OF
8 THE LIFE SUPPORT AGENCY OR MEDICAL FIRST RESPONSE SERVICE.

9 (D) THE BADGE, PATCH, OR UNIFORM IS THE BADGE, PATCH, OR
10 UNIFORM OF A DECEASED MEMBER OF THE FIRE DEPARTMENT OR DECEASED
11 EMPLOYEE OF THE LIFE SUPPORT AGENCY OR MEDICAL FIRST RESPONSE
12 SERVICE AND IS IN THE POSSESSION OF HIS OR HER SPOUSE, CHILD, OR
13 NEXT OF KIN.

14 (E) THE PERSON RECEIVING, POSSESSING, EXHIBITING, DISPLAYING,
15 OR USING THE BADGE, PATCH, UNIFORM, OR FACSIMILE IS A COLLECTOR OF
16 BADGES, PATCHES, UNIFORMS, OR FACSIMILES. A BADGE, PATCH, UNIFORM,
17 OR FACSIMILE POSSESSED AS PART OF A COLLECTION SHALL BE IN A
18 CONTAINER OR DISPLAY CASE WHEN BEING TRANSPORTED.

19 (F) THE PERSON IS IN THE THEATRICAL PROFESSION AND WEARS THE
20 BADGE, PATCH, UNIFORM, OR FACSIMILE WHILE ACTUALLY ENGAGED IN THAT
21 PROFESSION.

22 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
23 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
24 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

25 (3) AS USED IN THIS SECTION:

26 (A) "FACSIMILE" INCLUDES BOTH AN EXACT REPLICA OF AN EXISTING
27 ITEM AND A CLOSE IMITATION OF AN EXISTING ITEM.

1 (B) "LIFE SUPPORT AGENCY" MEANS THAT TERM AS DEFINED IN
2 SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
3 333.20906.

4 (C) "MEDICAL FIRST RESPONSE SERVICE" MEANS THAT TERM AS
5 DEFINED IN SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
6 MCL 333.20906.

7 SEC. 217H. (1) A PERSON, OTHER THAN A MEMBER OF A FIRE
8 DEPARTMENT OR AN EMPLOYEE OF A LIFE SUPPORT AGENCY OR MEDICAL FIRST
9 RESPONSE SERVICE, SHALL NOT WEAR OR DISPLAY THE EMBLEM, INSIGNIA,
10 LOGO, SERVICE MARK, OR OTHER IDENTIFICATION OF ANY FIRE DEPARTMENT,
11 LIFE SUPPORT AGENCY, OR MEDICAL FIRST RESPONSE SERVICE, OR A
12 FACSIMILE OF ANY OF THOSE ITEMS, IF EITHER OF THE FOLLOWING
13 APPLIES:

14 (A) THE PERSON REPRESENTS HIMSELF OR HERSELF TO ANOTHER PERSON
15 AS BEING A MEMBER OF THAT FIRE DEPARTMENT OR AN EMPLOYEE OF THAT
16 LIFE SUPPORT AGENCY OR MEDICAL FIRST RESPONSE SERVICE.

17 (B) THE WEARING OR DISPLAY OCCURS IN A MANNER THAT WOULD LEAD
18 A REASONABLE PERSON TO FALSELY BELIEVE THAT THE FIRE DEPARTMENT,
19 LIFE SUPPORT AGENCY, OR MEDICAL FIRST RESPONSE SERVICE WHOSE
20 EMBLEM, INSIGNIA, LOGO, SERVICE MARK, OR OTHER IDENTIFICATION OR
21 FACSIMILE IS BEING WORN OR DISPLAYED IS PROMOTING OR ENDORSING A
22 COMMERCIAL SERVICE OR PRODUCT OR A CHARITABLE ENDEAVOR.

23 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
24 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
25 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

26 (3) AS USED IN THIS SECTION:

27 (A) "FACSIMILE" INCLUDES BOTH AN EXACT REPLICA OF AN EXISTING

1 ITEM AND A CLOSE IMITATION OF AN EXISTING ITEM.

2 (B) "LIFE SUPPORT AGENCY" MEANS THAT TERM AS DEFINED IN
3 SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
4 333.20906.

5 (C) "MEDICAL FIRST RESPONSE SERVICE" MEANS THAT TERM AS
6 DEFINED IN SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
7 MCL 333.20906.

8 Enacting section 1. This amendatory act takes effect October
9 1, 2006.