

SENATE 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 ORGANIZED FIRE  
4 DEPARTMENT, LIFE SUPPORT AGENCY, OR MEDICAL FIRST RESPONSE SERVICE  
5 UNLESS 1 OR 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 ORGANIZED FIRE DEPARTMENT, LIFE SUPPORT AGENCY, OR MEDICAL FIRST

1 RESPONSE SERVICE.

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

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

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

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

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 (D) "ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN  
9 SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.

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

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

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

26 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
27 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR

1 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

2 (3) AS USED IN THIS SECTION:

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

5 (B) "LIFE SUPPORT AGENCY" MEANS THAT TERM AS DEFINED IN  
6 SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
7 333.20906.

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

11 (D) "ORGANIZED FIRE DEPARTMENT" MEANS THAT TERM AS DEFINED IN  
12 SECTION 1 OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL 29.1.

13 Enacting section 1. This amendatory act takes effect October  
14 1, 2006.