

# HOUSE BILL No. 5719

February 21, 2006, Introduced by Reps. Caul, Vander Veen, Emmons, Ball, Nitz, Proos, Pavlov, Wenke, Polidori, Hansen and Stahl and referred to the Committee on Judiciary.

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 OR MEDICAL FIRST RESPONSE SERVICE UNLESS 1 OR MORE OF THE FOLLOWING  
5 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 OR MEDICAL FIRST RESPONSE SERVICE.

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

4 (C) THE BADGE IS A RETIREMENT BADGE AND IS IN THE POSSESSION  
5 OF THE RETIRED MEMBER OF THE FIRE DEPARTMENT OR RETIRED EMPLOYEE OF  
6 THE MEDICAL FIRST RESPONSE SERVICE.

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

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

16 (F) THE PERSON IS IN THE THEATRICAL PROFESSION AND WEARS THE  
17 BADGE, PATCH, UNIFORM, OR FACSIMILE WHILE ACTUALLY ENGAGED IN  
18 FOLLOWING THAT PROFESSION.

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

22 (3) AS USED IN THIS SECTION:

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

25 (B) "MEDICAL FIRST RESPONSE SERVICE" MEANS THAT TERM AS  
26 DEFINED IN SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
27 MCL 333.20906.

1        SEC. 217H. (1) A PERSON, OTHER THAN A MEMBER OF A FIRE  
2 DEPARTMENT OR AN EMPLOYEE OF A MEDICAL FIRST RESPONSE SERVICE,  
3 SHALL NOT WEAR OR DISPLAY THE EMBLEM, INSIGNIA, LOGO, SERVICE MARK,  
4 OR OTHER IDENTIFICATION OF ANY FIRE DEPARTMENT OR MEDICAL FIRST  
5 RESPONSE SERVICE, OR A FACSIMILE OF ANY OF THOSE ITEMS, IF EITHER  
6 OF THE FOLLOWING APPLIES:

7        (A) THE PERSON REPRESENTS HIMSELF OR HERSELF TO ANOTHER PERSON  
8 AS BEING A MEMBER OF THAT FIRE DEPARTMENT OR AN EMPLOYEE OF THAT  
9 MEDICAL FIRST RESPONSE SERVICE.

10        (B) THE WEARING OR DISPLAY OCCURS IN A MANNER THAT WOULD LEAD  
11 A REASONABLE PERSON TO FALSELY BELIEVE THAT THE FIRE DEPARTMENT OR  
12 MEDICAL FIRST RESPONSE SERVICE WHOSE EMBLEM, INSIGNIA, LOGO,  
13 SERVICE MARK, OR OTHER IDENTIFICATION OR FACSIMILE IS BEING WORN OR  
14 DISPLAYED IS PROMOTING OR ENDORSING A COMMERCIAL SERVICE OR PRODUCT  
15 OR A CHARITABLE ENDEAVOR.

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

19        (3) AS USED IN THIS SECTION:

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

22        (B) "MEDICAL FIRST RESPONSE SERVICE" MEANS THAT TERM AS  
23 DEFINED IN SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
24 MCL 333.20906.