

Act No. 314
Public Acts of 2005
Approved by the Governor
December 22, 2005
Filed with the Secretary of State
December 27, 2005
EFFECTIVE DATE: January 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senators McManus, Van Woerkom, Birkholz, Toy, Johnson, Goschka, Allen, Jacobs, Basham, Cassis and Bishop

ENROLLED SENATE BILL No. 444

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

The People of the State of Michigan enact:

Sec. 216a. (1) A person shall not sell, furnish, possess, wear, exhibit, display, or use the badge, patch, or uniform, or facsimile of the badge, patch, or uniform, of any law enforcement agency unless any of the following apply:

(a) The person receiving or possessing the badge, patch, uniform, or facsimile is authorized to receive or possess the badge, patch, uniform, or facsimile by the chief officer of the law enforcement agency.

(b) The person receiving or possessing the badge, patch, uniform, or facsimile is a member of the law enforcement agency.

(c) The badge is a retirement badge and is in the possession of the retired law enforcement officer.

(d) The badge, patch, or uniform is the badge, patch, or uniform of a deceased law enforcement officer and is in the possession of his or her spouse, child, or next of kin.

(e) The person receiving, possessing, exhibiting, displaying, or using the badge, patch, uniform, or facsimile is a collector of badges, patches, uniforms, or facsimiles. A badge, patch, uniform, or facsimile possessed as part of a collection shall be in a container or display case when being transported.

(f) The person is in the theatrical profession and wears the badge, patch, uniform, or facsimile while actually engaged in following that profession.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. A charge under or a conviction or punishment for a violation of this section does not prevent a person from being charged with, convicted of, or punished for any other violation of law arising from the same transaction.

(3) As used in this section and section 216b, "facsimile" includes both an exact replica of an existing item and a close imitation of an existing item.

(4) This section does not apply to a person appointed by a court of this state to serve as a bailiff or court officer under section 8321 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8321, or under MCR 3.106 or MCR 2.103.

Sec. 216b. (1) A person, other than a peace officer, shall not wear or display the emblem, insignia, logo, service mark, or other law enforcement identification of any law enforcement agency, or a facsimile of any of those items, if either of the following applies:

(a) The person represents himself or herself to another person as being a peace officer. As used in this subdivision, "peace officer" means that term as defined in section 215.

(b) The wearing or display occurs in a manner that would lead a reasonable person to falsely believe that the law enforcement agency whose emblem, insignia, logo, service mark, or other law enforcement identification or facsimile is being worn or displayed is promoting or endorsing a commercial service or product or a charitable endeavor.

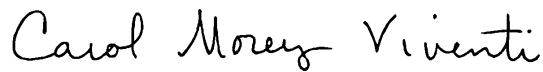
(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. A charge under or a conviction or punishment for a violation of this section does not prevent a person from being charged with, convicted of, or punished for any other violation of law arising from the same transaction.

(3) As used in this section, "law enforcement identification" means any identification that contains the words "law enforcement" or similar words, including, but not limited to, "agent", "enforcement agent", "detective", "task force", "fugitive recovery agent", or any other combination of names that gives the impression that the bearer is in any way connected with the federal government, state government, or any political subdivision of a state government. However, law enforcement identification does not include "bail agent" or "bondsman" when used by a bail agent or bondsman operating in accordance with section 167b.

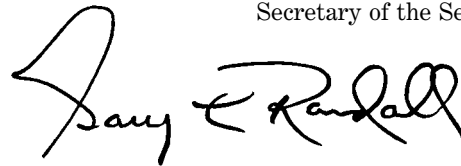
(4) This section does not apply to a person appointed by a court of this state to serve as a bailiff or court officer under section 8321 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8321, or under MCR 3.106 or MCR 2.103.

Enacting section 1. This amendatory act takes effect January 1, 2006.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor