

Act No. 405
Public Acts of 2006
Approved by the Governor
September 29, 2006
Filed with the Secretary of State
September 29, 2006
EFFECTIVE DATE: October 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Reps. Caul, Vander Veen, Emmons, Ball, Nitz, Proos, Pavlov, Wenke, Polidori, Hansen and Stahl

ENROLLED HOUSE BILL No. 5719

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," (MCL 750.1 to 750.568) by adding sections 217g and 217h.

The People of the State of Michigan enact:

Sec. 217g. (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 organized fire department, life support agency, or medical first response service unless 1 or more 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 organized fire department, life support agency, or medical first response service.

(b) The person receiving or possessing the badge, patch, uniform, or facsimile is a member of the organized fire department or an employee of the life support agency or medical first response service.

(c) The badge is a retirement badge and is in the possession of the retired member of the organized fire department or retired employee of the life support agency or medical first response service.

(d) The badge, patch, or uniform is the badge, patch, or uniform of a deceased member of the organized fire department or deceased employee of the life support agency or medical first response service 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 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.

(3) As used in this section:

(a) "Facsimile" includes both an exact replica of an existing item and a close imitation of an existing item.

(b) "Life support agency" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

(c) "Medical first response service" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

(d) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

Sec. 217h. (1) A person, other than a member of an organized fire department or an employee of a life support agency or medical first response service, shall not wear or display the emblem, insignia, logo, service mark, or other identification of any organized fire department, life support agency, or medical first response service, 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 member of that organized fire department or an employee of that life support agency or medical first response service.

(b) The wearing or display occurs in a manner that would lead a reasonable person to falsely believe that the organized fire department, life support agency, or medical first response service whose emblem, insignia, logo, service mark, or other 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.

(3) As used in this section:

(a) "Facsimile" includes both an exact replica of an existing item and a close imitation of an existing item.

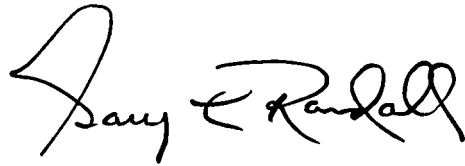
(b) "Life support agency" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

(c) "Medical first response service" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

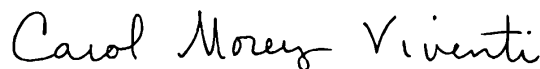
(d) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor