

# Legislative Analysis

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## **FALSE REPRESENTATION AS PEACE OFFICER: INCLUDE RAILROAD POLICE OFFICER**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4998 as introduced**  
**Sponsor: Rep. Tom Barrett**  
**Committee: Law and Justice**  
**Complete to 4-10-18**

Analysis available at  
<http://www.legislature.mi.gov>

### **SUMMARY:**

House Bill 4998 would amend the Michigan Penal Code to prohibit an individual from falsely representing himself or herself as a railroad police officer.

Currently, it is unlawful for an individual who is not a peace officer to perform the duties of a peace officer or represent to another person that he or she is a peace officer. The current definition of a peace officer for purposes of this prohibition lists 13 various law enforcement positions, including a sheriff, state police officer, local police officer, constable, or federal law enforcement officer.

The bill would add to the definition of peace officer a ***railroad police officer*** who is appointed, commissioned, and acting as provided in Section 367 of the Railroad Code (MCL 462.367).

The bill would take effect 90 days after enactment.

MCL 750.215

### **FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons who might be convicted under the provisions of the bill. A violation of Section 215 could be either a misdemeanor or a felony, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affect caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.