

Legislative Analysis



FALSE REPRESENTATION AS PEACE OFFICER: INCLUDE RAILROAD POLICE OFFICER

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House Bill 4998 as reported from committee w/o amendment
Sponsor: Rep. Tom Barrett
Committee: Law and Justice
Complete to 9-26-18

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

(Enacted as Public Act 448 of 2018)

BRIEF 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.

FISCAL IMPACT: The bill would have an indeterminate fiscal impact on the state and on local units of government. More information can be found under *Fiscal Information*, below.

THE APPARENT PROBLEM:

According to the bill sponsor, a recent police case involved a person impersonating a railroad officer to obtain information from other individuals. However, the case could not be prosecuted because it is not specifically unlawful to impersonate a railroad officer. Because railroad officers, like police officers, are certified under the Michigan Commission on Law Enforcement Standards (MCOLES) Act and are able to write tickets within railroad properties, the bill was brought forth to protect the public from persons impersonating railroad officers.

THE CONTENT OF THE BILL:

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 law enforcement positions, including sheriff, state police officer, local police officer, constable, and federal law enforcement officer.

The bill would add to this 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 INFORMATION:

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.

ARGUMENTS:

For:

Supporters of the bill believe that railroad officers carry sufficient authority over members of the public because railroad officers are MCOLES-certified and are able to write tickets within railroad properties. This is not unlike other police officers, whom the public is currently protected from persons trying to impersonate. Because railroad officers carry authority similar to that of other police officers, the public should be protected from persons impersonating railroad officers as well.

Against:

No arguments were presented against the bill in committee.

POSITIONS:

Representatives of the following organizations support the bill:

- Michigan State Police (4-10-18)
- Michigan Railroad Association (4-10-18 and 9-25-18)
- CSX Transportation (4-10-18)

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