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BILL



ANALYSIS

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House Bill 4998 (as passed by the House)
Sponsor: Representative Tom Barrett
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 11-21-18

CONTENT

The bill would amend the Michigan Penal Code to include in the definition of "peace officer" a railroad police officer.

The Penal Code prohibits an individual who is not a peace officer from performing the duties of a peace officer, or representing to another person that he or she is a peace officer for any unlawful purpose or with the intent to compel the person to do or refrain from doing any act against his or her will.

An individual who violates any of those prohibitions is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both.

An individual who, in violation of the Code, performs the duties of a peace officer to commit or attempt to commit a crime or represents to another person that he or she is a peace officer to commit or attempt to commit a crime is guilty of a felony punishable by up to four years' imprisonment or a fine of not more than \$5,000, or both.

"Peace officer" means any of the following:

- A sheriff or deputy sheriff of a county of this or another state.
- An officer of the police department of a city, village, or township of this or another state.
- A city, village, or township marshal.
- A constable.
- A Michigan State Police (MSP) officer.
- A conservation officer.
- A State security employee authorized by the MSP Director to have limited arrest powers for the protection of State-owned or -leased property and facilities.
- An officer of the MSP motor carrier enforcement division.
- A police officer or public safety officer of a community college, college, or university who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.
- A park and recreation officer commissioned by the Department of Natural Resources (DNR) to enforce Department rules and orders and any State laws specified by rule as enforceable by commissioned park and recreation officers .
- A State forest officer commissioned by the DNR Director to enforce, upon properties administered by the Department, State land use rules, orders of the Director, and any State laws specified in rule as enforceable by commissioned State forest officers.

- A Federal law enforcement officer.
- A Department of Attorney General investigator.

The bill would include in the definition of "peace officer" a railroad police officer appointed, commissioned, and acting as provided in Section 367 of the Railroad Code. (That section permits the MSP Director to, upon application of a company owning, leasing, using, or operating a railroad company in Michigan, appoint and commission a person to act as a police officer for the company. A person appointed to be a railroad police officer must be at least 18 years of age or older and must have completed at least 440 hours of training, which must be certified by the Michigan Commission on Law Enforcement Standards.)

The bill would take effect 90 days after its enactment.

MCL 750.215

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. It is not known whether the bill would lead to more misdemeanor and felony convictions, but it would not lead to a reduction. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. Any associated increase in fine revenue would increase funding to public libraries.

Fiscal Analyst: Abbey Frazier

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.