

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XXXV

FALSE PERSONATION

750.215 False representation as peace officer or medical examiner; violation; penalty; “peace officer” defined.

Sec. 215. (1) An individual who is not a peace officer or a medical examiner shall not do any of the following:

(a) Perform the duties of a peace officer or a medical examiner.

(b) Represent to another person that he or she is a peace officer or a medical examiner for any unlawful purpose.

(c) Represent to another person that he or she is a peace officer or a medical examiner with the intent to compel the person to do or refrain from doing any act against his or her will.

(2) Except as provided in subsection (3), an individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) An individual who, in violation of subsection (1), 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 imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(4) A sentence imposed under subsection (3) may be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

(5) As used in this section, "peace officer" means any of the following:

(a) A sheriff or deputy sheriff of a county of this state or another state.

(b) An officer of the police department of a city, village, or township of this state or another state.

(c) A marshall of a city, village, or township.

(d) A constable.

(e) An officer of the Michigan state police.

(f) A conservation officer.

(g) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c.

(h) A motor carrier officer appointed pursuant to section 6d of 1935 PA 59, MCL 28.6d.

(i) 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.

(j) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606.

(k) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107.

(l) A federal law enforcement officer.

(m) An investigator of the state department of attorney general.

(n) A railroad police officer appointed, commissioned, and acting as provided in section 367 of the railroad code of 1993, 1993 PA 354, MCL 462.367.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.215;—Am. 1957, Act 41, Eff. Sept. 27, 1957;—Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991;—Am. 2002, Act 672, Eff. Mar. 31, 2003;—Am. 2003, Act 15, Eff. Sept. 1, 2003;—Am. 2018, Act 448, Eff. Mar. 21, 2019.

Former law: See section 18 of Ch. 156 of R.S. 1846, being CL 1857, § 5837; CL 1871, § 7670; How., § 9252; CL 1897, § 11322; CL 1915, § 14989; CL 1929, § 16580; and Act 67 of 1925.

750.216 Badge or uniform of state police; unauthorized wearing, exhibition, display, or use as misdemeanor; exception.

Sec. 216. A person who wears, exhibits, displays, or uses, for any purpose, the badge or uniform or a badge or uniform substantially identical to that prescribed by the department of state police for officers of the department, unless he or she is a member of the department, is guilty of a misdemeanor. However, this section shall not be construed to prohibit persons of the theatrical profession from wearing such badge or uniform in any playhouse or theatre while actually engaged in following that profession.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.216;—Am. 1985, Act 78, Eff. Mar. 31, 1986.

750.216a Badge, patch, or uniform of law enforcement agency or facsimile; selling, furnishing, possessing, wearing, exhibiting, displaying, or using; violation as misdemeanor; "facsimile" defined; exception.

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.

History: Add. 1985, Act 78, Eff. Mar. 31, 1986;—Am. 2005, Act 314, Eff. Jan. 1, 2006.

750.216b Emblem, insignia, logo, service mark, or other identification of law enforcement agency or facsimile; violation as misdemeanor; "law enforcement identification" defined; exception.

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.

History: Add. 2005, Act 314, Eff. Jan. 1, 2006.

750.217 Disguising with intent to intimidate.

Sec. 217. Any person who in any manner disguises himself or herself with intent to obstruct the due execution of the law, or with intent to intimidate, hinder or interrupt any officer or any other person in the legal performance of his or her duty, or the exercise of his or her rights under the constitution and laws of this state, whether such intent be effected or not, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.217;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 19 of Ch. 156 of R.S. 1846, being CL 1857, § 5838; CL 1871, § 7671; How., § 9253; CL 1897, § 11323; CL 1915, § 14990; and CL 1929, § 16581.

750.217a Solicitation of information as to employment, residence, assets or earnings by false personation; penalty.

Sec. 217a. Any individual who on his own behalf, or as officer, agent, partner, employee, or representative of any entity, solicits or aids or abets another in soliciting information from any person as to his or any other person's place of employment, residence, assets or earnings, by any means whatever with the intent of misleading the person into believing that the information is being sought by or on behalf of, or for the purposes of, any governmental agency or commission is guilty of a misdemeanor.

History: Add. 1961, Act 62, Eff. Sept. 8, 1961.

750.217b Representation as public utility employee; felony; "public utility" defined.

Sec. 217b. (1) An individual who is not employed by a public utility shall not inform another individual or represent to another individual by uniform, identification, or any other means that he or she is employed by that public utility with intent to do 1 or more of the following:

- (a) Gain or attempt to gain entry to a residence, building, structure, facility, or other property.
- (b) Remain or attempt to remain in or upon a residence, building, structure, facility, or other property.
- (c) Commit or attempt to commit a crime.

(2) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(3) As used in this section, "public utility" means a utility that provides steam, gas, heat, electricity, water, cable television, telecommunications services, or pipeline services, whether privately, municipally, or cooperatively owned.

History: Add. 1997, Act 159, Eff. Jan. 1, 1998.

750.217c Legal process; impersonation, false representation, or action as public officer or employee; definitions.

Sec. 217c. (1) A person shall not impersonate, falsely represent himself or herself as, or falsely act as a public officer or public employee and prepare, issue, serve, execute, or otherwise act to further the operation of any legal process or unauthorized process that affects or purports to affect persons or property.

(2) Except as provided in subsection (3) or (4), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) A person who violates subsection (1) after a prior conviction for violating subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$1,500.00, or both.

(4) A person who violates subsection (1) after 2 or more prior convictions for violating subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(5) This section does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that individual commits while violating this section.

(6) This section does not prohibit individuals from assembling lawfully or lawful free expression of opinions or designation of group affiliation or association.

(7) As used in this section:

(a) "Lawful tribunal" means a tribunal created, established, authorized, or sanctioned by law or a tribunal of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that organization, association, or entity.

(b) "Legal process" means a summons, complaint, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over

a person or property, to assert or give notice of a legal claim against a person or property, or to direct persons to take or refrain from an action.

(c) "Public employee" means an employee of this state, an employee of a city, village, township, or county of this state, or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, court, school district, intermediate school district, special district, or other public entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment.

(d) "Public officer" means a person who is elected or appointed to any of the following:

(i) An office established by the state constitution of 1963.

(ii) A public office of a city, village, township, or county in this state.

(iii) A department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state.

(e) "Unauthorized process" means either of the following:

(i) A document simulating legal process that is prepared or issued by or on behalf of an entity that purports or represents itself to be a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law but that is not a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law.

(ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency as required by law.

History: Add. 1998, Act 360, Eff. Jan. 1, 1999;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

750.217d False representation as registered or licensed health professional; intent; violation as felony; penalty.

Sec. 217d. An individual who is not a health professional licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, and who intentionally and falsely represents himself or herself to be a health professional licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, and provides a health care treatment, procedure, or service regulated under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, to another individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

History: Add. 1999, Act 167, Eff. Mar. 10, 2000.

750.217e False identification as employee of family independence agency; violation; penalty.

Sec. 217e. (1) An individual who is not employed by the family independence agency shall not inform another individual or represent to another individual by identification or any other means that he or she is employed by the family independence agency with intent to do 1 or more of the following:

(a) Gain or attempt to gain entry to a residence, building, structure, facility, or other property.

(b) Remain or attempt to remain in or upon a residence, building, structure, facility, or other property.

(c) Gain or attempt to gain access to financial account information.

(d) Commit or attempt to commit a crime.

(e) Obtain or attempt to obtain information to which the individual is not entitled under section 7 of the child protection law, 1975 PA 238, MCL 722.627.

(f) Gain access or attempt to gain access to a person less than 18 years of age or a vulnerable adult. As used in this subdivision, "vulnerable adult" means an individual age 18 or older who, because of age, developmental disability, mental illness, or disability, whether or not determined by a court to be an incapacitated individual in need of protection, lacks the cognitive skills required to manage his or her property.

(2) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

History: Add. 2001, Act 21, Eff. Sept. 1, 2001.

750.217f Unlawful representation as firefighter or emergency medical service personnel; definitions; violation as felony; penalty; consecutive sentences.

Sec. 217f. (1) An individual who is not employed as a firefighter or emergency medical service personnel shall not inform another individual or represent to another individual by identification or any other means that he or she is employed in 1 of those capacities with intent to do 1 or more of the following:

- (a) Perform the duties of a firefighter or emergency medical service personnel.
- (b) Represent to another person that he or she is a firefighter or emergency medical service personnel for any unlawful purpose.
- (c) Compel a person to do or refrain from doing any act against his or her will.
- (d) Gain or attempt to gain entry to a residence, building, structure, facility, or other property.
- (e) Remain or attempt to remain in or upon a residence, building, structure, facility, or other property.
- (f) Gain or attempt to gain access to financial account information.
- (g) Commit or attempt to commit a crime.
- (h) Obtain or attempt to obtain information to which the individual is not entitled.
- (i) Gain access or attempt to gain access to a person less than 18 years of age or a vulnerable adult.

(2) As used in this section:

(a) "Emergency medical service personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(b) "Vulnerable adult" means that term as defined in section 145m.

(3) An individual who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(4) A sentence imposed under subsection (3) may be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

History: Add. 2005, Act 170, Eff. Jan. 1, 2006.

750.217g Badge, patch, or uniform of fire department, life support agency, or medical first response service; selling, furnishing, possessing, wearing, exhibiting, or displaying prohibited; exceptions; violation as misdemeanor; penalty; definitions.

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.

History: Add. 2006, Act 405, Eff. Oct. 1, 2006.

750.217h Emblem, insignia, logo, service mark, or other identification; wearing or displaying prohibited; violation as misdemeanor; penalty; definitions.

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.

History: Add. 2006, Act 405, Eff. Oct. 1, 2006.