

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 456 (Substitute S-2 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 4-27-98

RATIONALE

In recent years, there apparently has been a rash of incidents in this State, particularly in southeastern Michigan, in which criminals impersonated police officers in order to commit crimes. Since most people presumably trust a person who portrays himself or herself as an officer of the law, it is felt that victims of a criminal posing as an officer are particularly vulnerable. Some people believe that this type of criminal activity should itself be a felony and that severe penalties should apply to those who violate the public trust by committing crimes under the guise of being a peace officer.

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person who was not a peace officer from informing another, or representing to another by uniform, badge, identification card, or any other means, that he or she was a peace officer in order to commit or attempt to commit a crime. The bill would take effect on September 1, 1998.

A person who impersonated an officer to commit or attempt a crime would be guilty of a felony and would have to be imprisoned for two years. A second violation would require five years' imprisonment and a third or subsequent violation would require 10 years' imprisonment.

A term of imprisonment imposed under the bill would be in addition to a sentence imposed for the conviction of the crime or attempted crime underlying the violation and would have to be served consecutively to, and preceding, a term of imprisonment for the underlying crime or attempted crime. In addition, a term of imprisonment imposed under the bill could not be suspended, and an individual subject to a mandatory sentence under

the bill could not be eligible for parole or probation during that mandatory term.

"Peace officer" would mean one or more of the following: a police officer of this or another state or a political subdivision of a state; a Federal law enforcement officer; a county sheriff or sheriff's deputy of this or another state; a college or university police or public safety officer authorized to enforce State law and college or university rules and ordinances; a State or U.S. conservation officer; or a Department of Attorney General investigator.

Proposed MCL 750.216b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The criminal tactic of posing as a law enforcement officer in order to commit a crime serves to erode public confidence in the police. These actions are particularly despicable because they put victims at even greater risk by preying on their expected trust of those who have pledged to serve and protect the public. The bill appropriately would subject those who engaged in this kind of criminal activity to enhanced penalties.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 456 (S-2) would result in indeterminate, yet potential additional costs for State government. There appears to be no fiscal impact on local government.

Under the bill, a person who impersonated a peace officer in the commission of a crime would receive a mandatory State prison term over and above the term for the underlying offense. The prisoner would not be eligible for probation or parole, and the term would have to be served consecutively with the sentence for the underlying offense. The length of sentence for subsequent offenses would increase from two years for a first offense to five years for a second offense to 10 years for a third or subsequent offense. There are no data currently available that would indicate how many people might be convicted of impersonating a peace officer in order to commit or attempt to commit a crime.

On average, two years of incarceration cost \$36,000, a five-year prison term costs \$90,000, and a 10-year sentence costs \$180,000. These costs would be incurred over and above the costs of incarceration for the underlying offense, because the term would have to be served consecutively to the sentence for the underlying offense.

Fiscal Analyst: K. Firestone

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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.