

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

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. A violation would be a felony and would require two years' imprisonment; 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 underlying crime and would have to be served consecutively to, and preceding, a term of imprisonment for the underlying crime. 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. The bill would take effect on September 1, 1998.

"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

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 with the sentence for the underlying offense.

Date Completed: 4-22-98

Fiscal Analyst: K. Firestone