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SFA

BILL ANALYSIS

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Senate Bill 456 (as introduced 4-23-97)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 2-9-98

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 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 include a police or conservation officer of this State or any of its political subdivisions; a Federal police or conservation officer; and a police or conservation officer of another state or a state's political subdivision.

The bill includes an effective date of October 1, 1997.

Proposed MCL 750.216b

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 456 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 first offense to five years for second offense to 10 years for the 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.

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.