

IMPERSONATING A POLICE OFFICER

House Bill 5503 (Substitute H-1)

Sponsor: Rep. Alan Sanborn

House Bill 5504 as introduced

Sponsor: Rep. Jim Howell

First Analysis (5-24-00)

Committee: Criminal Law and Corrections

THE APPARENT PROBLEM:

Recent years have seen an increasing problem with criminals impersonating police officers in order to commit crimes. Since most people generally trust or at the very least feel compelled to obey a person who portrays himself or herself as an officer of the law, it is felt that the average citizen is therefore particularly vulnerable to crimes that might be committed by a person who is pretending to be a police officer. Although current law does provide a penalty for impersonating a police officer, that penalty is only punishable by imprisonment by up to one year in prison or a \$500 fine. Many feel that a more severe penalty is needed to deal with those who impersonate police officers with the intent to take advantage of the trust most citizens have for officers of the law, and that the law should differentiate between those that impersonate police officers with the intent to commit a crime and those whose impersonation of a police officer is less malicious.

THE CONTENT OF THE BILLS:

Under the Michigan Penal Code (MCL 750.215), it is a misdemeanor to falsely act as a sheriff, deputy sheriff, conservation officer, coroner, constable, police officer, or member of the Michigan State Police. The provision prohibits a person from falsely assuming or pretending to be an officer, from taking upon himself or herself to act as such, from requiring another person to aid and assist him or her in any matter pertaining to the duty of an officer, and from falsely taking upon himself or herself to act or officiate in any office or place of authority. The violation is punishable by imprisonment for up to one year or by a fine of up to \$500.

House Bill 5503 would rewrite this provision. The bill would prohibit a person who is not a peace officer or medical examiner from performing the duties of those

positions without authorization or from representing to another person that he or she is a peace officer or medical examiner for any unlawful purpose. This offense would be a misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$500, or both.

Further, a person who violated the bill and performed the duties of a peace officer to commit or attempt to commit a felony, or represented to another person that he or she was a peace officer to commit or attempt to commit a felony, would be guilty of a felony punishable by imprisonment for up to four years, a fine of up to \$2,000, or both. A sentence imposed under this provision could be required to be served consecutively to any term of imprisonment imposed for the associated felony.

A "peace officer" would be defined to include: a state or local police officer; a police officer of a junior college, college or university who is authorized to enforce state law and the rules and ordinances of the college or university; a conservation officer of the Department of Natural Resources or the Department of Environmental Quality; and a conservation officer of the federal Department of the Interior.

House Bill 5504 would amend the Code of Criminal Procedure's statutory sentencing guidelines (MCL 777.161) to include the crime of impersonating a peace officer to attempt or commit a felony, which would be a class F crime against public safety with a four year statutory maximum. The bill would not take effect unless House Bill 5503 were also enacted.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:***For:***

Posing as a law enforcement officer as a means of committing a crime is particularly despicable because it puts the victim of the crime at even greater risk by preying on the expected trust that most people have for those who have pledged to serve and protect the public. Further, these actions not only harm the victims of those crimes, but also serve to erode public confidence in the police. As a result, this behavior leads people to respond fearfully to police officers and makes them less likely to heed the requests of real police officers for fear that the officer could be a criminal in disguise. Hopefully, a more serious penalty for this behavior will serve to deter some would-be impersonators from attempting to use this as a means of committing a crime.

POSITIONS:

The Michigan Police Legislative Coalition supports the bills. (5-23-00)

The Fraternal Order of Police supports the bills. (5-23-00)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.