

Legislative Analysis



PROHIBIT IMPERSONATING A FIREFIGHTER OR EMS PROVIDER

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House Bill 4865 (Substitute H-1)
House Bill 4866 as introduced
Sponsor: Rep. Bill Caul
Committee: Judiciary

First Analysis (6-30-05)

BRIEF SUMMARY: The bills would make it a crime to impersonate a firefighter or EMS provider.

FISCAL IMPACT: Depending on how the bills affected numbers of offenders sentenced to jail, prison, or felony probation, they could increase state or local correctional costs. State costs of incarceration currently average approximately \$29,000 per prisoner per year; felony probation supervision averages \$1,977 per supervised offender per year. Jail costs vary across the state. Increases in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of that revenue.

THE APPARENT PROBLEM:

It is against the law to impersonate a police officer, and even to impersonate utility workers, public officers or employees, and employees of the Department of Human Services. However, there are no such prohibitions on impersonating a firefighter or emergency medical services provider (EMS).

According to a representative of the Isabella County Sheriff's Department, several incidents have occurred over the last six months involving different people impersonating firefighters or EMS providers. In one instance, the individual illegally used a scanner to pick up emergency transmissions and went to the scene of a fire where he falsely identified himself as a tribal firefighter and asked if he could help put out the fire. He was given permission, but was told he'd have to wear his own gear. The man left at that point.

In a separate incident, another individual using a scanner to intercept emergency transmissions responded to a call at an adult foster care home. The responding ambulance crew assumed he was an employee of the home and the AFC employees thought he was part of the ambulance crew. As a result, the man actually assisted in loading a resident of the home into the ambulance.

In other incidents, people have falsely represented themselves as firefighters needing to check smoke detectors in order to gain entry into people's homes. Allowing entry to such an individual can put a person at risk for assault, larceny, and even identity theft if certain sensitive information is stolen as a result. People impersonating firefighters and EMS

providers also put the public, themselves, and authentic firefighters and EMS providers at risk for injury because these individuals are not trained to provide such services.

THE CONTENT OF THE BILLS:

House Bill 4865 would make it a crime to impersonate a firefighter or emergency medical services (EMS) provider and provide felony penalties and House Bill 4866 would place the maximum terms of imprisonment within the corresponding portion of the sentencing guidelines. The bills would take effect January 1, 2006.

Specifically, House Bill 4865 would add a new section to the Michigan Penal Code (MCL 750.217f) to prohibit any person who was not employed as a firefighter or an EMS provider from informing another individual or representing to another individual by identification or other means that he or she was employed in one of those capacities with intent to do one or more of the following:

- Perform the duties of a firefighter or EMS provider.
- Represent that he or she is firefighter or EMS provider for an unlawful purpose.
- Represent to another that he or she is a firefighter or EMS provider with the intent to compel that person to do or refrain from doing any act against his or her will.
- Gain or attempt to gain entry to (or to remain in) a residence, building, facility, or other property.
- Gain or attempt to gain access to financial account information.
- Commit or attempt to commit a crime.
- Obtain or attempt to obtain information to which the individual was not entitled.
- Gain or attempt to gain access to a minor (less than 18 years of age) or a vulnerable adult. "Vulnerable adult" would mean that term as defined in Section 145m of the code.

A violation would be a felony punishable by imprisonment for not more than two years and/or a fine of not more than \$1,000. A sentence imposed for this crime could be ordered to be served consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

House Bill 4866 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16l) to specify that impersonating a firefighter or emergency medical services provider would be a Class G felony against the public safety with a two-year maximum term of imprisonment. The bill is tie-barred to House Bill 4865.

ARGUMENTS:

For:

The bill plugs a hole in the law. Though it is illegal to impersonate police officers and other workers, there is no such prohibition on impersonating a firefighter or EMS provider. The risk to the public safety is obvious. If allowed to assist an injured person, an untrained impersonator can do much harm, and can endanger others when passing himself or herself off as a trained firefighter. Though many fire departments and ambulance services have been proactive in requiring employees to wear ID badges and appear in uniform when working, it still can be easy to fool some individuals. Therefore, stiff penalties need to be enacted as a deterrent and also to adequately punish those who would betray the public trust.

POSITIONS:

A representative of the Mt. Pleasant Fire Department testified in support of the bills. (6-29-05)

A representative of the Isabella County Sheriff's Department testified in support of the bills. (6-29-05)

A representative of the Deerfield Township Fire Department indicated support for the bills. (6-29-05)

A representative of the Michigan Municipal League indicated support for the bills. (6-29-05)

A representative of the Michigan Township Association indicated support for the bills. (6-29-05)

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■ 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.