



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bill 444 (as introduced 4-28-05)  
Sponsor: Senator Michelle A. McManus  
Committee: Judiciary

Date Completed: 9-20-05

### **CONTENT**

**The bill would amend the Michigan Penal Code to do all of the following:**

- Expand the prohibition against selling, furnishing, or possessing the badge of a law enforcement agency to include the logo, service mark, patch, or uniform of a law enforcement agency, and increase the criminal penalty for a violation of that prohibition.**
- Limit the exceptions that apply to a retirement badge or the badge of a deceased officer.**
- Increase the term of incarceration for wearing, exhibiting, displaying, or using a State Police badge or uniform.**

#### Selling, Furnishing, or Possessing Law Enforcement Badge

The Code prohibits a person from selling, furnishing, or possessing the badge or facsimile of the badge of any law enforcement agency unless any of the following apply:

- The person receiving or possessing the badge or facsimile is authorized to receive or possess it by the law enforcement agency's chief officer.
- The person receiving or possessing the badge or facsimile is a member of the law enforcement agency.
- The badge is the badge of a deceased law enforcement officer.
- The person receiving the badge is a collector of badges and the badge is transported in a container or display case.

The bill would include in those provisions a logo, service mark, patch, or uniform or a facsimile of a logo, service mark, patch, or uniform of any law enforcement agency. In the case of the badge, logo, service mark, patch, or uniform of a deceased law enforcement officer, the exception would apply only to one that was in the possession of the deceased officer's spouse, child, or next of kin.

The current prohibition also includes an exception for a law enforcement agency badge that is a retirement badge. Under the bill, that exception would apply only if the retirement badge were in the possession of the retired law enforcement officer.

A violation is a misdemeanor punishable by a maximum fine of \$100. Under the bill, the misdemeanor would be punishable by up to 93 days' imprisonment, and/or a maximum fine of \$500.

### State Police Badge or Uniform

Under the Code, it is a misdemeanor for a person to wear, exhibit, display, or use, for any purpose, the badge or uniform prescribed by the Department of State Police for officers of the Department, or a substantially identical badge or uniform, unless he or she is a member of the Department. A violation is a misdemeanor with no specified penalty. (Under Section 504 of the Code, a misdemeanor for which no punishment is prescribed is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.) Under the bill, the violation would be punishable by up to 93 days' imprisonment and/or a maximum fine of \$500.

MCL 750.216 & 750.216a

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local government. There are no statewide data available on misdemeanors to indicate how many offenders are currently convicted and would face an increased penalty under the bill. Nor are data available to indicate how many additional offenders would be convicted under the proposed expansion of the prohibition on selling, furnishing, or possessing a law enforcement badge or due to the proposed narrowing of the exceptions made for retirement badges and badges of deceased officers. Local governments incur the cost of misdemeanor probation and incarceration, both of which vary by county. Public libraries would benefit from any additional penal fine revenue raised.

Fiscal Analyst: Bethany Wicksall

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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.