



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 4865 (Substitute S-2 as reported by the Committee of the Whole)  
House Bill 4866 (as reported by the Committee of the Whole)  
Sponsor: Representative Bill Caul  
House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

House Bill 4865 (S-2) would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for impersonating a firefighter or emergency medical service (EMS) personnel.

Under the bill, an individual who was not employed as a firefighter or EMS personnel could not inform or represent to another individual by identification or any other means that he or she was employed in one of those capacities, with the intent to do one of the following:

- Perform the duties of a firefighter or EMS personnel.
- Represent to another person that he or she was a firefighter or EMS personnel for any unlawful purpose.
- Compel a person to do or refrain from doing any act against his or her will.
- Gain or attempt to gain entry to a residence, building, or other property.
- Remain or attempt to remain in or upon a residence, building, , 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 access or attempt to gain access to a person under 18 or a vulnerable adult.

A violation would be a felony punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both. A sentence imposed under the bill 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 Code of Criminal Procedure to include the felony proposed by House Bill 4865 (S-2) in the sentencing guidelines. Under House Bill 4866, impersonating a firefighter or EMS personnel would be a Class G felony against the public safety, with a statutory maximum sentence of two years' imprisonment.

The bill is tie-barred to House Bill 4865, which would take effect on January 1, 2006.

Proposed MCL 750.217f (H.B. 4865)  
MCL 777.16l (H.B. 4866)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of impersonating a firefighter or emergency medical service personnel. The proposed felony would be a Class G offense with a sentencing guidelines minimum sentence range from 0-3 months to 7-23 months. Local units of government incur the cost of incarceration in a local facility, which varies by county. The State incurs the cost of felony probation at an average annual cost of \$2,000 as well as the cost of incarceration in a State facility, which for FY 2005-06 will have an average annual cost of approximately \$30,000. Public libraries would benefit from any additional penal fine revenue collected.

Date Completed: 9-15-05

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.