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IMPERSONATING A PUBLIC OFFICIAL

House Bill 4994 as passed by the House Second Analysis (4-11-00)

Sponsor: Rep. Janet Kukuk
Committee: Criminal Law and Corrections

THE APPARENT PROBLEM:

Apparently, on January 1, 1999, there was an incident at a bar in Clinton township which resulted in one of the patrons demanding a refund for the amount she and her companion had paid for the New Years Eve event. She claimed to be an employee of the Michigan Liquor Control Commission and threatened the manager of the establishment with formal charges and license revocation. Upon investigation, it has been determined that there appear to be no local ordinances or state laws that prohibit a person from impersonating an investigator or inspector of the Michigan Liquor Control Commission. Laws exist that prohibit impersonating, among other things, police officers, coroners, and public utility employees. As a result of this incident and reports of other similar instances, it has been suggested that this loophole should be closed and impersonating a liquor control officer should be prohibited and punished. In addition, it is noted that a similar loophole exists in the law with regard to firefighters and other public officials, and that, too, should be closed.

THE CONTENT OF THE BILL:

Under current law, it is a misdemeanor to impersonate a sheriff, deputy sheriff, conservation officer, coroner, constable, police officer, or state trooper. The offense is punishable by up to one year in prison, or by a fine of up to \$500. House Bill 4994 would similarly criminalize the impersonation of the following: 1) an investigator or inspector of the Michigan Liquor Control Commission; 2) a city, county, or municipal firefighter or volunteer firefighter; 3) an elected official, or 4) a public employee with law or regulatory enforcement duties.

The bill would define a "public employee" to include any non-elected employee of the state, or of a city, village, township, or county of the state; or of a department, board, agency, institution, commission, authority, division, council, college, university, court, school district, intermediate school district, special

district, or other public entity of this state or of a city, village, township, or county in the state. An "elected official" would mean someone who was elected to one of the following: 1) an office established by the state constitution; 2) a public office of a city, village, township, or county in the state; or 3) a department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of the state or of a city, village, township, or county in the state.

The bill would take effect June 6, 2000.

MCL 750.215

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Impersonating any public or elected official and making threats or attempting to act under the color of that official's authority is wrong and should be clearly prohibited under state law. By adding this expansive language covering all types of public officials the law will not need continued updating every time someone tries to intimidate another person by pretending to have a degree of public authority. Impersonation of a liquor control officer can be a very effective threat against owners and managers of restaurants, bars, and other establishments that hold liquor licenses. Because the commission has authority over the license that the establishment needs in order to do business, threats of revoking that license can seem quite menacing and lead owners to acquiesce to demands that they might otherwise ignore. In addition, firefighters have a status in society and certain privileges that a person who impersonated a firefighter could abuse to gain entry into a home or other building. The bill will close both

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loopholes and provide that people who impersonate firefighters, liquor control officers, or public or elected officials in the future will not escape punishment.

POSITIONS:

The Department of Attorney General supports the bill.
(3-30-00)

The Liquor Control Commission supports the bill. (4-11-00)

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.