



Misrepresentation as Law Enforcement Act

HB 37 – SB 32

Bill Analysis

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Private security officers often use insignia associated with law enforcement. These employees do not hold the same privileges or power of law enforcement and therefore should not be allowed to use these insignia. This may violate trust with the public and open the possibility for individuals to use misinformation and have more power over a situation than they otherwise would have. This is now frequently seen when security companies use words like "police" or "constable" on their private vehicles.

H.B. 683 eliminates the private use of law enforcement insignia and badges.

H.B. 683 amends current law relating to the prosecution of the offense of possession or use of law enforcement identification, insignia, or vehicles in a municipality and the clarification of the offenses of false identification as a peace officer and misrepresentation of property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends the heading to Section 341.904, Local Government Code, to read as follows:

Sec. 341.904. POSSESSION OR USE OF LAW ENFORCEMENT IDENTIFICATION, INSIGNIA, OR VEHICLE IN A MUNICIPALITY.

SECTION 2. Amends Section 341.904(b), Local Government Code, to provide that a person commits an offense if in a municipality the person intentionally or knowingly performs certain actions relating to identifying themselves with law enforcement, rather than to provide that, in a municipality with a certain population located primarily in a county with a

School

McMullen County High School

Senate Committee Laying Out in Criminal Justice

Senate Author

Barrett Swaim

House Committee Laying Out In Homeland Security & Public Safety

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certain population, a person commits an offense if the person intentionally or knowingly performs certain actions relating to identifying themselves with law enforcement.

SECTION 3. Amends Section 37.12, Penal Code, by amending Subsections (a), (b), and (d) and adding Subsections (b-1) and (c-1), as follows:

(a) Provides that a person commits an offense if, among certain other actions, the person makes, provides to another person, or possesses a card, document, badge, insignia, shoulder emblem, or other item, including a vehicle, bearing an insignia of a law enforcement agency (agency) that identifies a person as a peace officer or a reserve law enforcement officer.

(b) Makes nonsubstantive changes.

(b-1) Creates this subsection from existing text. Provides that it is an exception to the application of this section (False Identification as Peace Officer; Misrepresentation of Property) that the item was used or intended for use exclusively for decorative purposes or in an artistic or dramatic presentation. Deletes existing designation of Subdivision (3).

(c-1) Provides that, for the purposes of this section, an item bearing an insignia of an agency includes an item that contains the word
police, sheriff, constable, or trooper.

(d) Provides that a person commits an offense if the person intentionally or knowingly misrepresents an object, including a vehicle, as property belonging to an agency. Provides that, for the purposes of this subsection, intentionally or knowingly misrepresenting an object as property belonging to an agency includes intentionally or knowingly displaying an item bearing an insignia of an agency in a manner that would lead a reasonable person to interpret the item as property belonging to an agency.

SECTION 4. Effective date: January 1, 2019.