



# Misrepresentation as Law Enforcement Act

HB 37 – SB 32

## Bill Text

### A BILL TO BE ENTITLED AN ACT

#### 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

#### House Authors

Ashley Miller

Grant Troell

Taylor Marriott

Brooklyn Reed

Mario Garza

#### Lobbyist

Nathan Reed

#### Journalist

Caroline Truelove

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 341.904, Local Government Code, is amended to read as follows:

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

SECTION 2. Section 341.904(b), Local Government Code, is amended to read as follows:

(b) A [In a municipality with a population of 1.18 million or more located primarily in a county with a population of 2 million or more, a] person commits an offense if in a municipality the person intentionally or knowingly:

(1) uses, possesses, or wears:

(A) a police identification item of the municipal police department;

(B) an item bearing the insignia or design prescribed by the police chief of the municipality for officers and employees of the municipal police department to use while engaged in official activities; or

(C) within the municipal police department's jurisdiction, an item that is deceptively similar to a police identification item of the department;

(2) uses, within the municipal police department's jurisdiction, the name of the department in connection with an object to create the appearance that the object belongs to or is used by the department; or

(3) uses, possesses, or operates, within the municipal police department's jurisdiction, a marked patrol vehicle that is deceptively similar to a department patrol vehicle.

SECTION 3. Section 37.12, Penal Code, is amended by



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amending Subsections (a), (b), and (d) and adding Subsections (b-1) and (c-1) to read as follows:

(a) A person commits an offense if:

(1) 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 that identifies a person as a peace officer or a reserve law enforcement officer; and

(2) the person who makes, provides, or possesses the item bearing the insignia knows that the person so identified by the item is not commissioned as a peace officer or reserve law enforcement officer as indicated on the item.

(b) It is a defense to prosecution under this section that:

(1) the card, document, badge, insignia, shoulder emblem, or other item bearing an insignia of a law enforcement agency clearly identifies the person as an honorary or junior peace officer or reserve law enforcement officer, or as a member of a junior posse; or

(2) the person identified as a peace officer or reserve law enforcement officer by the item bearing the insignia was commissioned in that capacity when the item was made.

(b-1) It is an exception to the application of this section that [; or

[(3)] the item was used or intended for use exclusively for decorative purposes or in an artistic or dramatic presentation.

(c-1) For purposes of this section, an item bearing an insignia of a law enforcement agency includes an item that contains the word "police," "sheriff," "constable," or "trooper."

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

SECTION 4. This Act takes effect January 1, 2019.