

By: Jones of Dallas, Davis of Dallas, Pena

H.B. No. 1371

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain offenses that involve impersonating a peace  
3 officer or other public servant and misrepresenting the nature of  
4 certain property.

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

6 SECTION 1. Section 37.11(b), Penal Code, is amended to read  
7 as follows:

8 (b) An offense under this section is a felony of the third  
9 degree, except that an offense under this section is a felony of the  
10 second degree if the actor commits the offense with the intent to  
11 commit an offense in addition to the offense under this section.

12 SECTION 2. Sections 37.12(a), (b), and (d), Penal Code, are  
13 amended to read as follows:

14 (a) A person commits an offense if:

15 (1) the person makes, provides to another person, or  
16 possesses a uniform, card, document, badge, insignia, shoulder  
17 emblem, or other item bearing an insignia of a law enforcement  
18 agency that identifies a person as a peace officer or a reserve law  
19 enforcement officer; and

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

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

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

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

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

11          (d) A person commits an offense if the person intentionally  
12 or knowingly misrepresents an object, including a uniform, as  
13 property belonging to a law enforcement agency.

14          SECTION 3. The changes in law made by this Act apply only to  
15 an offense committed on or after the effective date of this Act. An  
16 offense committed before the effective date of this Act is covered  
17 by the law in effect at the time the offense was committed, and the  
18 former law is continued in effect for that purpose. For purposes of  
19 this section, an offense was committed before the effective date of  
20 this Act if any element of the offense was committed before that  
21 date.

22          SECTION 4. This Act takes effect September 1, 2005.