

BILL ANALYSIS

H.B. 124
By: Pena
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent crimes involving individuals impersonating law enforcement officers and the current concerns regarding homeland security have highlighted the need for a more severe penalty.

Impersonating a peace officer is a crime under current law with the use of insignia, cards or other equipment set out as felony offenses. However, the use of a uniform is not specifically outlawed.

H.B. 124 would make providing or possessing a uniform to impersonate a peace officer a crime and would increase penalties for impersonation offenses committed with the intent to commit other offenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 124 amends Section 37.11(b), Penal Code, to increase the offense for impersonating a public servant to a felony of the second degree if the individual impersonating a public servant commits the offense with the intent of committing another offense while impersonating a public servant.

Section 37.12, Penal Code, is amended by adding "uniform" to the list of items that are an offense to make, provide to another person, or possess if the item bears an insignia of a law enforcement agency that identifies a person as a peace officer or a reserve law enforcement officer; and the individual who makes, provides, or possesses the item knows that the person identified by the item is not commissioned as a peace officer or reserve law enforcement officer as indicated by the item.

Section 37.12, Penal Code, is also amended to add "uniform" to the list of items that are a defense to prosecution if the 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.

Section 37.12, Penal Code, is further amended to add "uniform" to the list of items that are an offense to intentionally or knowingly misrepresent as property belonging to a law enforcement agency.

The change in law will only apply to an offense committed after the effective date of the Act.

EFFECTIVE DATE

September 1, 2007.