

By: Pena

H.B. No. 124

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(a) A person commits an offense if:

(1) the person makes, provides to another person, or possesses a uniform, card, document, badge, insignia, shoulder emblem, or other item 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 (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, 2007.