

BILL ANALYSIS

H.B. 783
By: Davis, Yvonne
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current statute, the offense of impersonating a peace officer or other public servant is a felony of the third degree. However, the use of a peace officer's uniform to falsely identify oneself as a peace officer is not specifically addressed or prohibited. Concerned parties assert that recent violent crimes involving individuals impersonating a peace officer and the current concerns regarding homeland security warrant a harsher penalty for such an offense. H.B. 783 seeks to address this concern by making it an offense to make, provide, or possess a uniform that identifies a person as a peace officer and enhancing the penalty for the offense of impersonating a peace officer if committed with the intent to commit another offense.

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. 783 amends the Penal Code to enhance the penalty for impersonating a public servant from a felony of the third degree to a felony of the second degree if the actor commits the offense with the intent to commit an offense in addition to the offense of impersonating a public servant. The bill expands the conditions that constitute the offense of false identification as a peace officer to include making, providing to another person, or possessing a uniform bearing an insignia of a law enforcement agency that identifies a person as a peace officer or a reserve law enforcement officer while knowing that the person so identified by the uniform is not commissioned as that officer as indicated on the uniform. The bill specifies that the offense of intentionally or knowingly misrepresenting an object as property belonging to a law enforcement agency includes misrepresenting a uniform. The bill makes a conforming change.

EFFECTIVE DATE

September 1, 2011.