

By: Wu, Phillips, Herrero, King of Parker,  
Hinojosa, et al.

H.B. No. 683

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of the offense of possession or use of  
3 law enforcement identification, insignia, or vehicles in a  
4 municipality and the clarification of the offenses of false  
5 identification as a peace officer and misrepresentation of  
6 property.

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

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

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

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

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

18 (1) uses, possesses, or wears:

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

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

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

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

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

11 SECTION 3. Section [37.12](#), Penal Code, is amended by  
12 amending Subsections (a), (b), and (d) and adding Subsections (b-1)  
13 and (c-1) 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 card, document, badge, insignia, shoulder emblem, or  
17 other item, including a vehicle, bearing an insignia of a law  
18 enforcement agency that identifies a person as a peace officer or a  
19 reserve law 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:

25 (1) the card, document, badge, insignia, shoulder  
26 emblem, or other item bearing an insignia of a law enforcement  
27 agency clearly identifies the person as an honorary or junior peace

1 officer or reserve law enforcement officer, or as a member of a  
2 junior posse; or

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

6 (b-1) It is an exception to the application of this section  
7 that [~~for~~

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

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

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

23 SECTION 4. This Act takes effect September 1, 2017.