

AN ACT

1
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.

President of the Senate

Speaker of the House

I certify that H.B. No. 683 was passed by the House on May 2, 2017, by the following vote: Yeas 134, Nays 11, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 683 was passed by the Senate on May 24, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor