

By: Wu, Phillips, Herrero, King of Parker,
Hinojosa

H.B. No. 683

Substitute the following for H.B. No. 683:

By: Nevárez

C.S.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) and (d) and adding Subsection (c-1) to
13 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 (c-1) For purposes of this section, an item bearing an
25 insignia of a law enforcement agency includes an item that contains
26 the word "police," "sheriff," "constable," "trooper," "ranger,"
27 "agent," or any other designation commonly used by law enforcement

1 agencies in this state.

2 (d) A person commits an offense if the person intentionally
3 or knowingly misrepresents an object, including a vehicle, as
4 property belonging to a law enforcement agency.

5 SECTION 4. Section 37.12, Penal Code, as amended by this
6 Act, is a clarification of existing law and does not imply that
7 existing law may be construed as inconsistent with the law as
8 amended by this Act.

9 SECTION 5. This Act takes effect September 1, 2017.