

By: Wu

H.B. No. 683

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the offense of possession or use of law  
3 enforcement identification, insignia, or vehicles in certain  
4 populous municipalities and the clarification of the offenses of  
5 false 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. Section 341.904(b), Local Government Code, is  
9 amended to read as follows:

10 (b) In a municipality with a population of 750,000 [~~1.18~~  
11 ~~million~~] or more [~~located primarily in a county with a population of~~  
12 ~~2 million or more~~], a person commits an offense if the person  
13 intentionally or knowingly:

14 (1) uses, possesses, or wears:

15 (A) a police identification item of the municipal  
16 police department;

17 (B) an item bearing the insignia or design  
18 prescribed by the police chief of the municipality for officers and  
19 employees of the municipal police department to use while engaged  
20 in official activities; or

21 (C) within the municipal police department's  
22 jurisdiction, an item that is deceptively similar to a police  
23 identification item of the department;

24 (2) uses, within the municipal police department's

1 jurisdiction, the name of the department in connection with an  
2 object to create the appearance that the object belongs to or is  
3 used by the department; or

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

7 SECTION 2. Section 37.12, Penal Code, is amended by  
8 amending Subsections (a) and (d) and adding Subsection (c-1) to  
9 read as follows:

10 (a) A person commits an offense if:

11 (1) the person makes, provides to another person, or  
12 possesses a card, document, badge, insignia, shoulder emblem, or  
13 other item, including a vehicle, bearing an insignia of a law  
14 enforcement agency that identifies a person as a peace officer or a  
15 reserve law enforcement officer; and

16 (2) the person who makes, provides, or possesses the  
17 item bearing the insignia knows that the person so identified by the  
18 item is not commissioned as a peace officer or reserve law  
19 enforcement officer as indicated on the item.

20 (c-1) For purposes of this section, an item bearing an  
21 insignia of a law enforcement agency includes an item that contains  
22 the word "police," "sheriff," "constable," "trooper," "ranger,"  
23 "agent," or any other designation commonly used by law enforcement  
24 agencies in this state.

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

1           SECTION 3. Section 37.12, Penal Code, as amended by this  
2 Act, is a clarification of existing law and does not imply that  
3 existing law may be construed as inconsistent with the law as  
4 amended by this Act.

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