

1-1 By: Wu, et al. (Senate Sponsor - Menéndez) H.B. No. 683  
 1-2 (In the Senate - Received from the House May 3, 2017;  
 1-3 May 9, 2017, read first time and referred to Committee on Criminal  
 1-4 Justice; May 19, 2017, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the prosecution of the offense of possession or use of  
 1-20 law enforcement identification, insignia, or vehicles in a  
 1-21 municipality and the clarification of the offenses of false  
 1-22 identification as a peace officer and misrepresentation of  
 1-23 property.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. The heading to Section 341.904, Local Government  
 1-26 Code, is amended to read as follows:

1-27 Sec. 341.904. POSSESSION OR USE OF LAW ENFORCEMENT  
 1-28 IDENTIFICATION, INSIGNIA, OR VEHICLE IN A [~~POPULOUS~~] MUNICIPALITY.

1-29 SECTION 2. Section 341.904(b), Local Government Code, is  
 1-30 amended to read as follows:

1-31 (b) ~~A [In a municipality with a population of 1.18 million~~  
 1-32 ~~or more located primarily in a county with a population of 2 million~~  
 1-33 ~~or more, a] person commits an offense if in a municipality the~~  
 1-34 ~~person intentionally or knowingly:~~

1-35 (1) uses, possesses, or wears:

1-36 (A) a police identification item of the municipal  
 1-37 police department;

1-38 (B) an item bearing the insignia or design  
 1-39 prescribed by the police chief of the municipality for officers and  
 1-40 employees of the municipal police department to use while engaged  
 1-41 in official activities; or

1-42 (C) within the municipal police department's  
 1-43 jurisdiction, an item that is deceptively similar to a police  
 1-44 identification item of the department;

1-45 (2) uses, within the municipal police department's  
 1-46 jurisdiction, the name of the department in connection with an  
 1-47 object to create the appearance that the object belongs to or is  
 1-48 used by the department; or

1-49 (3) uses, possesses, or operates, within the municipal  
 1-50 police department's jurisdiction, a marked patrol vehicle that is  
 1-51 deceptively similar to a department patrol vehicle.

1-52 SECTION 3. Section 37.12, Penal Code, is amended by  
 1-53 amending Subsections (a), (b), and (d) and adding Subsections (b-1)  
 1-54 and (c-1) to read as follows:

1-55 (a) A person commits an offense if:

1-56 (1) the person makes, provides to another person, or  
 1-57 possesses a card, document, badge, insignia, shoulder emblem, or  
 1-58 other item, including a vehicle, bearing an insignia of a law  
 1-59 enforcement agency that identifies a person as a peace officer or a  
 1-60 reserve law enforcement officer; and

1-61 (2) the person who makes, provides, or possesses the

2-1 item bearing the insignia knows that the person so identified by the  
2-2 item is not commissioned as a peace officer or reserve law  
2-3 enforcement officer as indicated on the item.

2-4 (b) It is a defense to prosecution under this section that:

2-5 (1) the card, document, badge, insignia, shoulder  
2-6 emblem, or other item bearing an insignia of a law enforcement  
2-7 agency clearly identifies the person as an honorary or junior peace  
2-8 officer or reserve law enforcement officer, or as a member of a  
2-9 junior posse; or

2-10 (2) the person identified as a peace officer or  
2-11 reserve law enforcement officer by the item bearing the insignia  
2-12 was commissioned in that capacity when the item was made.

2-13 (b-1) It is an exception to the application of this section  
2-14 that ~~if~~

2-15 [~~(3)~~] the item was used or intended for use  
2-16 exclusively for decorative purposes or in an artistic or dramatic  
2-17 presentation.

2-18 (c-1) For purposes of this section, an item bearing an  
2-19 insignia of a law enforcement agency includes an item that contains  
2-20 the word "police," "sheriff," "constable," or "trooper."

2-21 (d) A person commits an offense if the person intentionally  
2-22 or knowingly misrepresents an object, including a vehicle, as  
2-23 property belonging to a law enforcement agency. For purposes of  
2-24 this subsection, intentionally or knowingly misrepresenting an  
2-25 object as property belonging to a law enforcement agency includes  
2-26 intentionally or knowingly displaying an item bearing an insignia  
2-27 of a law enforcement agency in a manner that would lead a reasonable  
2-28 person to interpret the item as property belonging to a law  
2-29 enforcement agency.

2-30 SECTION 4. This Act takes effect September 1, 2017.

2-31 \* \* \* \* \*