

BILL ANALYSIS

C.S.H.B. 683
By: Wu
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the use of an insignia associated with law enforcement by private security officers who do not hold the same privileges or powers of law enforcement is a violation of public trust. C.S.H.B. 683 seeks to address this issue by clarifying the applicability of certain offenses relating to false identification as a peace officer and misrepresentation of property and revising the applicability of an offense relating to possession or use of law enforcement identification, insignia, or vehicles.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 683 amends the Penal Code to expand the conduct that constitutes the offense of false identification as a peace officer to include making, providing to another person, or possessing a vehicle bearing a commonly used insignia of a law enforcement agency in Texas that identifies a person as a peace officer or a reserve law enforcement officer. The bill expands the conduct that constitutes the offense of misrepresentation of property to include misrepresenting a vehicle as property belonging to a law enforcement agency. The bill specifies that such expansions of conduct are a clarification of existing law and do not imply that existing law may be construed as inconsistent with the law as amended by the bill.

C.S.H.B. 683 amends the Local Government Code to remove the limitations on the municipalities in which the offense of possession or use of law enforcement identification, insignia, or vehicles applies.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 683 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

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

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

(1) uses, possesses, or wears:

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

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

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

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

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

SECTION 2. Section 37.12, Penal Code, is amended.

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

HOUSE COMMITTEE SUBSTITUTE

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

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

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

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

(1) uses, possesses, or wears:

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

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

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

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

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

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

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

SECTION 5. Same as introduced version.