

- SUBJECT:** Requiring removal of equipment, insignia before selling police vehicles
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 8 ayes — Phillips, Nevárez, Burns, Johnson, Metcalf, Moody, M. White, Wray
- 1 nay — Dale
- WITNESSES:** For — (*Registered, but did not testify:* Keith Oakley, Associated Security Services and Investigators of the State of Texas (ASSIST); TJ Patterson, City of Fort Worth; Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Kevin Lawrence and Lon Craft, Texas Municipal Police Association (TMPA))
- Against — None
- On — Marios Parpounas, Texas Facilities Commission
- BACKGROUND:** Under Penal Code, sec. 37.11, a person impersonating a public servant, including a police officer, with the intent to induce someone to submit to the person’s pretended authority or performing any function of the public servant is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).
- DIGEST:** CSHB 473 would amend the Government Code and the Local Government Code to require removal of certain equipment and insignia from law enforcement vehicles before they were sold to the public or a security services contractor.
- The bill would prohibit the Texas Facilities Commission, any other state agency, a municipality, or a county from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless all equipment or insignia that could mislead a reasonable person to believe it was a law enforcement motor vehicle was first removed. This equipment

would include any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, and emergency vehicle equipment.

CSHB 473 also would prohibit a municipality, a county, or a state agency, including the Facilities Commission, from selling or transferring a marked patrol car or other law enforcement motor vehicle to a licensed security services contractor that was regulated by the Department of Public Safety unless each emblem or insignia that identified the vehicle as a law enforcement vehicle was removed before the sale or transfer.

This bill would take effect on September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 473 would reduce the public's confusion in identifying which vehicles were associated with law enforcement by requiring that certain equipment and insignia be removed from law enforcement vehicles before they were sold. Although many agencies do not sell law enforcement vehicles without stripping them of any equipment, emblems, or insignia, many agencies or political subdivisions still may sell these vehicles without properly decommissioning them because there are no set statutory requirements. CSHB 473 would ensure that all agencies and political subdivisions complied with this important rule.

Although impersonating a police officer already is illegal, allowing the sale of a police vehicle with equipment or insignia that is misleading to the general public makes it easier for these criminals to impersonate an officer. There have been incidents when men have used vehicles that resemble a police vehicle to stop women and sexually assault them. CSHB 473 would make it much more difficult for these criminals to impersonate an officer and confuse the public or commit other crimes.

CSHB 473 would allow the sale to security companies of law enforcement vehicles with certain equipment still on them, which would be beneficial to these companies. Identifying emblems and insignia still would be removed to prevent confusion.

The bill would not place an increased burden on agencies or political subdivisions that sell or transfer decommissioned vehicles. It would not be costly or time consuming to remove this equipment and insignia from the vehicles.

**OPPONENTS
SAY:**

CSHB 473 would be unnecessary because impersonation of a police officer already is illegal. In addition, most state entities that sell or transfer law enforcement vehicles already strip them of all identifying equipment or insignia.