

## **BILL ANALYSIS**

Senate Research Center  
81R1272 KCR-D

H.B. 750  
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Criminal Justice  
5/15/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Impersonating a peace officer or other public servant is currently a felony of the third degree. However the use of a peace officer's uniform is not specifically prohibited. Recent violent crimes involving individuals impersonating a law enforcement officer and the current concerns regarding homeland security warrant a harsher penalty for such an offense.

H.B. 750 makes it an offense to provide or possess a uniform to impersonate a peace officer and increases the penalty for an impersonation offense committed with the intent to commit other offenses.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.11(b), Penal Code, to provide that an offense under this section is a felony of the third degree, except that an offense under this section is a felony of the second degree if the actor commits the offense with the intent to commit an offense in addition to the offense under this section.

SECTION 2. Amends Sections 37.12(a), (b), and (d), Penal Code, as follows:

(a) Provides that a person commits an offense if the person makes, provides to another person, or possesses a uniform, card, document, badge, insignia, shoulder emblem or other item bearing an insignia of a law enforcement agency that identifies a person as a peace officer or a reserve law enforcement officer.

(b) Provides that it is a defense to prosecution under this section that the uniform, card, document, badge, insignia, shoulder emblem, or other item bearing an insignia of a law enforcement agency clearly identifies the person as an honorary or junior peace officer or reserve law enforcement officer, or as a member of a junior posse.

(d) Provides that a person commits an offense if the person intentionally or knowingly misrepresents an object, including a uniform, as property belonging to a law enforcement agency.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.