

BILL ANALYSIS

Senate Research Center
85R8424 JRR-F

S.B. 1820
By: Huffman
Criminal Justice
3/31/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A person commits an offense under the Penal Code if he or she knowingly purports to exercise any function of a public servant or of a public office and the position or office has no lawful existence under the constitution or laws of this state or of the United States. S.B. 1820 clarifies that knowingly impersonating a public servant without legal authority is a criminal offense under any circumstances.

As proposed, S.B. 1820 amends current law relating to the prosecution of the criminal offense of impersonating a public servant.

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(a), Penal Code, as follows:

(a) Makes a nonsubstantive change and provides that a person commits an offense if the person:

(1) makes nonsubstantive changes; and

(2) knowingly purports to exercise, without legal authority, any function of a public servant or of a public office, including that of a judge and court, rather than knowingly purports to exercise any function of a public servant or of a public office, including that of a judge and court, and the position or office through which he purports to exercise a function of a public servant or public office has no lawful existence under the constitution or laws of this state or of the United States.

SECTION 2. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.