

CHAPTER 355

H.B. No. 149

An Act creating offenses involving the unauthorized use of the insignia and name of certain state law enforcement agencies or of insignia deceptively similar to that of certain law enforcement agencies; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 181, General Laws, Acts of the 44th Legislature, Regular Session, 1935 (Articles 4413(1) through 4413(29), Vernon's Texas Civil Statutes), is amended by adding Section 12A to read as follows:

Sec. 12A. UNAUTHORIZED ACTS INVOLVING THE INSIGNIA AND NAME OF THE DEPARTMENT OR ITS DIVISIONS. (a) A person commits an offense if, without the authorization of the Director of the Department of Public Safety, he:

(1) manufactures, sells, or possesses a badge, identification card, or other item bearing an insignia of the Department or an insignia deceptively similar to that of the Department;

(2) makes a copy or likeness of a badge, identification card, or an insignia of the Department, with the intent to use or to allow another to use the copy or likeness to produce an item bearing the insignia of the Department or an insignia deceptively similar to that of the Department; or

(3) uses the term "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," or "Texas Highway Patrol" in connection with an object and with the intent to create the appearance that the object belongs to or is being used by the Department.

(b) In this section, "insignia of the Department" means an insignia or design prescribed by the Director of the Department for use by officers and employees of the Department in connection with their official activities. An insignia is deceptively similar to an insignia of the Department if it is not prescribed by the Department but a reasonable person would presume that it was prescribed by the Department.

(c) A district or county court, upon the application of the attorney general or of the district attorney or prosecuting attorney performing the duties of district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section upon a showing that a violation has occurred or will likely occur.

(d) It is an affirmative defense to a prosecution under this section that the object was used or intended for use exclusively for decorative purposes or in an artistic or dramatic presentation.

(e) An offense under this section is a Class B misdemeanor.

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 3, 1985, by a non-record vote; passed by the Senate on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 10, 1985

Effective: September 1, 1985