

CHAPTER 514

H.B. No. 592

AN ACT

relating to the offense of false identification as a peace officer and misrepresentation of property as belonging to a law enforcement agency.

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

SECTION 1. Section 37.12, Penal Code, is amended to read as follows:

Sec. 37.12. FALSE IDENTIFICATION AS PEACE OFFICER; *MISREPRESENTATION OF PROPERTY*. (a) A person commits an offense if:

(1) the person makes, provides to another person, or possesses a card, ~~[or]~~ 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; and

(2) the person who makes, provides, or possesses the item bearing the insignia ~~[card or document]~~ knows that the person so identified by the item ~~[card or document]~~ is not certified or licensed by the Commission on Law Enforcement Officer Standards and Education in the capacity of peace officer or reserve law enforcement officer indicated on the item ~~[card or document]~~.

(b) It is a defense to prosecution under this section that:

(1) the card, ~~[or]~~ 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; ~~[or]~~

(2) the person identified as a peace officer or reserve law enforcement officer by the item bearing the insignia ~~[card or document]~~ was certified or licensed in that capacity when the item ~~[card or document]~~ was made; or

(3) the item was used or intended for use exclusively for decorative purposes or in an artistic or dramatic presentation.

(c) In this section, "reserve law enforcement officer" has the same meaning as is given that term in Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes).

(d) A person commits an offense if the person intentionally or knowingly misrepresents an object as property belonging to a law enforcement agency.

(e) An offense under this section is a Class ~~[C misdemeanor, unless the actor has been convicted previously under this section, in which event it is a Class]~~ B misdemeanor.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. 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 March 24, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Sept. 1, 1987.