

SUBJECT: Enhancing penalties for impersonating a peace officer

COMMITTEE: Homeland Security and Public Safety —favorable, without amendment

VOTE: 7 ayes — S. Miller, Fletcher, Beck, Driver, Flynn, Peña, Walle
0 nays
2 absent — Burnam, Mallory Caraway

WITNESSES: For — (*Registered, but did not testify:* Lon Craft, Texas Municipal Police Association; Bill Elkin, Houston Police Retired Officers Association; Chris Jones, Combined Law Enforcement Associations of Texas)
Against — None

BACKGROUND: Penal Code, sec. 37.12 (e), makes it a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) for a person to display a card, document, badge, insignia, shoulder emblem, or other item bearing an insignia of a law enforcement agency to impersonate a peace officer.

DIGEST: HB 595 would amend Penal code, sec. 37.12 (e), to enhance the penalty for impersonating a peace officer to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the person intended to commit another felony.

The bill would take effect September 1, 2011, and would apply only to offenses committed on or after this date.

SUPPORTERS SAY: HB 595 would provide law enforcement agencies and prosecutors an effective tool to deter border area drug smugglers who disguise their vehicles to elude checkpoints or other enforcement efforts. Sometimes the smugglers mimic commercial delivery trucks, but they also alter their vehicles to look like those driven by peace officers. Penalties should be increased to counter the growing sophistication of narcotic traffickers and Mexico cartels.

OPPONENTS
SAY:

Providing a penalty enhancement for this offense would not be an effective deterrent. If a trafficker were found to be in possession of drugs, existing penalties would be sufficient. Proving intent to commit a felony could be too burdensome for a prosecutor if impersonating a peace officer was the only charge being pursued.

NOTES:

According to the Legislative Budget Board Criminal Justice Impact analysis, 14 persons were arrested and 16 were placed on misdemeanor community supervision for false identification as a peace officer in fiscal 2010.