

**Introduced by Senator Cox**

February 13, 2008

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An act to amend Section 538d of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as introduced, Cox. Peace officers: impersonation.

Existing law makes it a crime for a person, who is not a peace officer, to impersonate a peace officer, as specified.

This bill would make nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 538d of the Penal Code is amended to  
2 read:

3 538d. (a) Any person, other than one who by law ~~is given~~ *has*  
4 the authority of a peace officer, who willfully wears, exhibits, or  
5 uses the authorized uniform, insignia, emblem, device, label,  
6 certificate, card, or writing, of a peace officer, with the intent of  
7 fraudulently impersonating a peace officer, or of fraudulently  
8 inducing the belief that he or she is a peace officer, is guilty of a  
9 misdemeanor.

10 (b) (1) Any person, other than ~~the~~ one who by law ~~is given~~ *has*  
11 the authority of a peace officer, who willfully wears, exhibits, or  
12 uses the badge of a peace officer with the intent of fraudulently  
13 impersonating a peace officer, or of fraudulently inducing the  
14 belief that he or she is a peace officer, is guilty of a misdemeanor  
15 punishable by imprisonment in a county jail not to exceed one

1 year, by a fine not to exceed two thousand dollars (\$2,000), or by  
2 both that imprisonment and fine.

3 (2) Any person who willfully wears or uses any badge that  
4 falsely purports to be authorized for the use of one who by law ~~is~~  
5 ~~given~~ *has* the authority of a peace officer, or which so resembles  
6 the authorized badge of a peace officer as would deceive any  
7 ordinary reasonable person into believing that it is authorized for  
8 the use of one who by law ~~is given~~ *has* the authority of a peace  
9 officer, for the purpose of fraudulently impersonating a peace  
10 officer, or of fraudulently inducing the belief that he or she is a  
11 peace officer, is guilty of a misdemeanor punishable by  
12 imprisonment in a county jail not to exceed one year, by a fine not  
13 to exceed two thousand dollars (\$2,000), or by both that  
14 imprisonment and fine.

15 (c) Any person who willfully wears, exhibits, or uses, or who  
16 willfully makes, sells, loans, gives, or transfers to another, any  
17 badge, insignia, emblem, device, or any label, certificate, card, or  
18 writing, which falsely purports to be authorized for the use of one  
19 who by law ~~is given~~ *has* the authority of a peace officer, or which  
20 so resembles the authorized badge, insignia, emblem, device, label,  
21 certificate, card, or writing of a peace officer as would deceive an  
22 ordinary reasonable person into believing that it is authorized for  
23 the use of one who by law ~~is given~~ *has* the authority of a peace  
24 officer, is guilty of a misdemeanor, except that any person who  
25 makes or sells any badge under the circumstances described in this  
26 subdivision is subject to a fine not to exceed fifteen thousand  
27 dollars (\$15,000).

28 (d) (1) Vendors of law enforcement uniforms shall verify that  
29 a person purchasing a uniform identifying a law enforcement  
30 agency is an employee of the agency identified on the uniform.  
31 Presentation and examination of a valid identification card with a  
32 picture of the person purchasing the uniform and identification,  
33 on the letterhead of the law enforcement agency, of the person  
34 buying the uniform as an employee of the agency identified on the  
35 uniform shall be sufficient verification.

36 (2) Any uniform vendor who sells a uniform identifying a law  
37 enforcement agency, without verifying that the purchaser is an  
38 employee of the agency, is guilty of a misdemeanor, punishable  
39 by a fine of not more than one thousand dollars (\$1,000).

1 (3) This subdivision shall not apply if the uniform is to be used  
2 solely as a prop for a motion picture, television, video production,  
3 or a theatrical event, and prior written permission has been obtained  
4 by the identified law enforcement agency.

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