

Introduced by Senator Benoit

February 14, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

SB 169, as introduced, Benoit. 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 authorize the head of a local agency that employs peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states the person's position as an honorably retired peace officer from that agency, as specified. The bill would also authorize the head of a local agency to revoke identification granted pursuant to those provisions in the event of misuse or abuse.

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 the
- 4 authority of a peace officer, who willfully wears, exhibits, or uses
- 5 the authorized uniform, insignia, emblem, device, label, certificate,
- 6 card, or writing, of a peace officer, with the intent of fraudulently
- 7 impersonating a peace officer, or of fraudulently inducing the
- 8 belief that he or she is a peace officer, is guilty of a misdemeanor.

1 (b) (1) Any person, other than the one who by law is given the
2 authority of a peace officer, who willfully wears, exhibits, or uses
3 the badge of a peace officer with the intent of fraudulently
4 impersonating a peace officer, or of fraudulently inducing the
5 belief that he or she is a peace officer, is guilty of a misdemeanor
6 punishable by imprisonment in a county jail not to exceed one
7 year, by a fine not to exceed two thousand dollars (\$2,000), or by
8 both that imprisonment and fine.

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

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

33 (d) *The head of a local agency that employs peace officers is*
34 *authorized to issue identification in the form of a badge, insignia,*
35 *emblem, device, label, certificate, card, or writing that clearly*
36 *states the person's position as an honorably retired peace officer*
37 *from that agency. The head of a local agency that employs peace*
38 *officers is authorized to revoke identification granted pursuant to*
39 *this subdivision in the event of misuse or abuse.*

40 (d)

1 (e) (1) Vendors of law enforcement uniforms shall verify that
2 a person purchasing a uniform identifying a law enforcement
3 agency is an employee of the agency identified on the uniform.
4 Presentation and examination of a valid identification card with a
5 picture of the person purchasing the uniform and identification,
6 on the letterhead of the law enforcement agency, of the person
7 buying the uniform as an employee of the agency identified on the
8 uniform shall be sufficient verification.

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

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

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