

AMENDED IN ASSEMBLY JULY 6, 2000

AMENDED IN SENATE MAY 1, 2000

AMENDED IN SENATE MARCH 28, 2000

**SENATE BILL**

**No. 1942**

---

---

**Introduced by Senator Karnette**

(Coauthors: Assembly Members Cox, Cunneen, Havice, and  
Lowenthal)

February 24, 2000

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1942, as amended, Karnette. Peace officers: impersonation.

(1) Existing law provides that any person other than one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the authorized uniform, badge, insignia, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor.

This bill would remove the use of a police badge from the above provisions, and as a separate offense provide that any person, other than the one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the badge of a peace officer or willfully wears or uses any badge that falsely purports to be authorized for the use of a peace

officer or so resembles the authorized badge of a peace officer with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$2,000, or by both that imprisonment and fine. By increasing the term of imprisonment applicable to a crime punishable as a misdemeanor, this bill would impose a state-mandated local program.

The bill also would provide that the punishment for any person who makes or sells any badge that falsely purports to be authorized for a specified use shall be ~~increased to include~~ *subject to* a fine not to exceed \$15,000.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

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

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

11 (b) (1) Any person, other than the one who by law is  
12 given the authority of a peace officer, who willfully wears,  
13 exhibits, or uses the badge of a peace officer with the  
14 intent of fraudulently impersonating a peace officer, or of  
15 fraudulently inducing the belief that he or she is a peace  
16 officer, is guilty of a misdemeanor punishable by



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

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

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

32 SEC. 2. No reimbursement is required by this act  
33 pursuant to Section 6 of Article XIII B of the California  
34 Constitution because the only costs that may be incurred  
35 by a local agency or school district will be incurred  
36 because this act creates a new crime or infraction,  
37 eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section  
39 17556 of the Government Code, or changes the definition



- 1 of a crime within the meaning of Section 6 of Article
- 2 XIII B of the California Constitution.

O

