

AMENDED IN SENATE JUNE 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1448

Introduced by Assembly Member Niello

February 23, 2007

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

LEGISLATIVE COUNSEL’S DIGEST

AB 1448, as amended, Niello. Peace officers: impersonation: uniforms.

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 require law enforcement uniform vendors to verify that a person buying a uniform is an employee of the law enforcement agency identified on the uniform. This bill would make it a crime for the vendor, or any person selling a law enforcement uniform, to fail to verify the person buying the uniform is an employee of the law enforcement agency identified on the uniform, unless the uniform is sold as a prop, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

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:

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

538d. (a) 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, 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.

(b) (1) 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 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 two thousand dollars (\$2,000), or by both that imprisonment and fine.

(2) Any person who willfully wears or uses any badge that falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge of a peace officer as would deceive any ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, for the purpose 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 two thousand dollars (\$2,000), or by both that imprisonment and fine.

(c) Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this

1 subdivision is subject to a fine not to exceed fifteen thousand
2 dollars (\$15,000).

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

11 (2) Any person or uniform vendor who sells a uniform
12 identifying a law enforcement agency, without verifying that the
13 purchaser is an employee of the agency, is guilty of a misdemeanor,
14 *punishable by a fine of not more than one thousand dollars*
15 *(\$1,000).*

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

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.