

HOUSE BILL 1021

By Dean

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 16, Part 3, relative to false impersonation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 3, is amended by deleting section 39-16-301(b) and section 39-16-301(c)(2) in their entirety and redesignating subdivision (c)(1) as subsection (b).

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 16, Part 3, is amended by adding the following language as a new, appropriately designated section:

39-16-304.

(a) As used in this section:

(1) "Federal law enforcement officer" means an employee or agency of the United States where the duties of which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses under the criminal laws of the United States;

(2) "Impersonate" means to:

(A) Act the part of, assume the identity of, or willfully wear, exhibit, or use the authorized uniform or any part of the uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer; or

(B) Possess, use, or distribute any fictitious, fraudulently altered, or fraudulently obtained uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer;

(C) Possess, use, or distribute any uniform, insignia, emblem, device, label, certificate, card, or writing or any uniform, insignia, emblem,

device, label, certificate, card, or writing which so resembles the authorized uniform, insignia, emblem, device, label, certificate, card, or writing 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 with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer; and

(3) "Peace officer" means a sheriff, deputy sheriff, member of municipal police department, a member of a police force employed by a housing authority, a state university law enforcement officer, a special police officer, an officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty is imposed by law to maintain public order, make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, and investigate the commission or suspected commission of offenses, a state highway patrol trooper, or an agent of the Tennessee bureau of investigation.

(b) No person shall impersonate a peace officer or federal law enforcement officer.

(c)

(1) The head of an agency that employs peace officers is authorized to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the status, as defined by rules of the peace officer standards and training commission, of the person to whom it is issued.

(2) If the head of an agency issues a badge or identification card to an honorably retired peace officer that is not affixed to a plaque or other memento commemorating the retiree's service for the agency, the word "Retired" shall be clearly visible above, underneath, or on the badge or identification card itself.

(3) The head of an agency that employs peace officers is authorized to revoke any badge or identification granted pursuant to subsection (c) in the event of misuse or abuse. No person shall possess, use, or display any badge or identification after notice such revocation has been provided.

(d)

(1) Vendors of uniforms, insignia, emblems, devices, labels, certificates, cards, or other items which identify the person as a peace officer shall verify that a person purchasing uniforms, insignia, emblems, devices, labels, certificates, cards, or other items identifying a law enforcement agency is an employee of the agency. Presentation and examination of a valid identification card with a picture of the person purchasing the uniform or identification on the letterhead of the law enforcement agency of the person buying the uniform as an employee of the agency identified on the uniform shall be sufficient verification.

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

(3) This subsection (d) shall not apply if the uniform, insignia, emblem, device, label, certificate, card, or writing is to be used solely as a prop for a motion picture, television, video production, or a theatrical event, commemorative event, or promotional event and prior written permission has been obtained from the identified law enforcement agency.

(e) Impersonation of a peace officer is a Class A misdemeanor.

(f) Where the impersonation of a peace officer is used to gain entry to or remain in a residence, building, structure, facility, or other property (or attempt either action); to

commit or attempt to commit a crime; or to attempt to or gain access to a person less than eighteen (18) years of age, the person commits a Class E felony. Where the offense attempted was actually committed, under this subsection (f), criminal impersonation of a peace officer is an offense one (1) classification lower than the most serious crime, but no less than a Class E felony.

(g) A violation of subsection (c)(3), is a Class C misdemeanor.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.