To amend title 18, United States Code, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1999

Mr. HORN (for himself, Mrs. MORELLA, Mr. RAMSTAD, Mr. SHOWS, Mr. BARRIOS, Mr. HOLDEN, Mrs. KELLY, Mr. INSLEE, Mr. VISCOSKY, Mr. GREEN of Texas, Mr. KOLBE, Mr. LUTHER, Mr. ENGLISH, Mr. SMITH of Washington, Mr. STUPAK, Ms. DANNER, Mr. OSE, Mr. REYES, Ms. BERKLEY, and Mr. GARY MILLER of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Police Badge Fraud Prevention Act of 1999”.
SEC. 2. POLICE BADGES.

(a) In General.—Chapter 33 of title 18, United States Code, is amended by adding at the end the following:

“§ 716. Police badges

“(a) Whoever—

“(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit police badge;

“(2) knowingly transfers, in interstate or foreign commerce, a genuine police badge to an individual not authorized to possess it under the law of the place in which the badge is the official badge of the police;

“(3) knowingly receives a genuine police badge in a transfer prohibited by paragraph (2); or

“(4) being a person not authorized to possess a genuine police badge under the law of the place in which the badge is the official badge of the police, knowingly transports that badge in interstate or foreign commerce;

shall be fined under this title or imprisoned not more than 180 days, or both.

“(b) It is a defense to a prosecution under this section that the badge is used exclusively—

“(1) in a collection or exhibit;
“(2) for decorative purposes; or

“(3) for a dramatic presentation, such as a theatrical, film, or television production.

“(c) As used in this section—

“(1) the term ‘genuine police badge’ means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers; and

“(2) the term ‘counterfeit police badge’ means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by adding at the end the following new item:

“716. Police badges.”.