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SB-805 Crimes. (2025-2026)

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AMENDED IN ASSEMBLY JUNE 23, 2025

AMENDED IN SENATE MARCH 26, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 805

Introduced by ~~Senator Pérez~~ *Senators Pérez and Wiener*
(Principal coauthor: Assembly Member Elhawary)
(Coauthors: Senators Arreguín and Gonzalez)
(Coauthor: Assembly Member Lee)

February 21, 2025

~~An act to amend Section 2085 of the Insurance Code, relating to insurance.~~ *An act to amend Sections 538d, 538e, 538f, 538g, 538h, and 1299.07 of, and to add Sections 13653 and 13654 to, the Penal Code, relating to crimes.*

LEGISLATIVE COUNSEL'S DIGEST

SB 805, as amended, Pérez. ~~Homeowners' insurance: declared disaster areas.~~ *Crimes.*

Existing law prohibits credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team, as specified. Existing law also prohibits willfully and credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team through or on an internet website, or by other electronic means, for the purposes of defrauding another. A violation of these prohibitions is punishable as a misdemeanor.

This bill would extend these offenses to include willfully and credibly impersonating any of those entities through any means for the purpose of defrauding another. By expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would require personnel of a law enforcement agency operating in California to visibly display identification that includes either a name or badge number to the public when performing their duties. The bill would exempt personnel operating undercover from these provisions. The bill would make a violation of these provisions a misdemeanor. The bill would define personnel of a law enforcement agency as any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law

enforcement agency. By creating a new crime and imposing duties on local law enforcement, this bill would impose a state-mandated local program.

The bill would also authorize law enforcement to request an alleged government employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, firefighter, employee of a public utility or government agency, or member of a search and rescue team, or when there is a legitimate safety concern.

Existing law, the Bail Fugitive Recovery Persons Act, regulates bail fugitive recovery agents, defined as a person given written authorization by the bail or depositor of bail and contracted to investigate, surveil, locate, and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive.

This bill would prohibit a person authorized to apprehend a bail fugitive from using that position for the purposes of immigration enforcement and would require a person authorized to apprehend a bail fugitive to keep a defendant's immigration status confidential, as specified.

This bill would declare these provisions are severable.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law generally regulates classes of insurance, including fire insurance and homeowners' insurance. If a property owner or their legal representative is unable to identify the insurer of their property in a declared disaster area, existing law requires the Insurance Commissioner to provide the owner's information to insurers that issue homeowners' insurance policies covering fire risks at the owner's request. Existing law requires an insurer that issued a homeowners' insurance policy on that property to respond to the property owner or their legal representative within 90 days of receiving their information from the commissioner.~~

~~This bill would reduce the above-described timeframe for an insurer to respond to a property owner to 75 days.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *The Legislature finds and declares all of the following:*

(a) *The federal government, through the United States Immigration and Customs Enforcement (ICE), has launched broad immigration enforcement efforts, deploying personnel from various federal agencies, including those within the Department of Justice, as part of the Trump Administration's immigration enforcement operations.*

(b) *These actions have involved enforcement in and near locations, such as churches and schools, once considered sensitive areas, leading to widespread fear and confusion among impacted communities.*

(c) *ICE officers have conducted operations while wearing face coverings, including gaiter and ski masks, citing the need to protect their identities from online publication, which can include details like names, addresses, and telephone numbers.*

(d) *The use of face coverings during enforcement activities has raised concern and criticism, including calls from United States Senators urging the Department of Homeland Security to require ICE officers to identify themselves and limit the use of face coverings during operations.*

(e) *At the same time, several news outlets have reported incidents of individuals impersonating ICE officers to harass or detain others, which undermines public trust in law enforcement, especially among vulnerable individuals, and pose a threat to public safety.*

(f) *Charges filed against individuals include kidnapping and impersonating a police officer after allegedly detaining a group of Latino men, impersonating an ICE officer on a university campus, and impersonating an ICE*

officer in connection with the sexual assault of a woman while threatening her with deportation.

(g) While ICE has publicly condemned impersonations, the agency's use of face coverings and lack of consistent, visible identification is contributing to public confusion and making it difficult for individuals to distinguish between authorized personnel and bad actors.

(h) The state has both the authority and responsibility, under its police powers, to maintain order and protect the safety and well-being of all people within its jurisdiction from criminal conduct.

(i) In order to carry out this duty effectively, the state must be able to distinguish between individuals who are lawfully exercising federal authority and those who are not, particularly in situations where a person is exhibiting unlawful behavior.

(j) Therefore, the state has a compelling interest in identifying and verifying who is operating under federal authority within the state.

SEC. 2. *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 they are a peace officer, or who willfully and credibly impersonates a peace officer through or on an internet website, ~~or~~ by other electronic means, *or by any other means*, for purposes of defrauding another, 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 they are 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 they are 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) (1) Except as provided in subdivision (d), 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 punishable by imprisonment in a county jail not to exceed six months, by a fine not to exceed two thousand dollars (\$2,000), or by both that imprisonment and fine, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).

(2) A local law enforcement agency in the jurisdiction that files charges against a person for a violation of paragraph (1) shall seize the badge, insignia, emblem, device, label, certificate, card, or writing described in paragraph (1).

(d) (1) The head of an agency that employs peace officers, as defined in Sections 830.1 and 830.2, is authorized to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency. The identification authorized pursuant to this subdivision is separate and distinct from the identification authorized by Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6.

(2) If the head of an agency issues a badge 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 words "Honorably Retired" shall be clearly visible above, underneath, or on the badge itself.

(3) The head of an agency that employs peace officers as defined in Sections 830.1 and 830.2 is authorized to revoke identification granted pursuant to this subdivision in the event of misuse or abuse.

(4) For the purposes of this subdivision, the term "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination.

(e) (1) Vendors of law enforcement uniforms shall verify that a person purchasing a uniform identifying a law enforcement agency is an employee of the agency identified on the uniform. Presentation and examination of a valid identification card with a picture of the person purchasing the uniform and 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 misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000).

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

SEC. 3. Section 538e of the Penal Code is amended to read:

538e. (a) Any person, other than an officer or member of a fire department, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department or the Office of the State Fire Marshal, or who willfully and credibly impersonates such an officer or member on an internet website, ~~or~~ by other electronic means, *or by any other means*, for purposes of defrauding another, is guilty of a misdemeanor.

(b) (1) Any person, other than the one who by law is given the authority of an officer or member of a fire department, or a deputy state fire marshal, who willfully wears, exhibits, or uses the badge of a fire department or the Office of the State Fire Marshal with the intent of fraudulently impersonating an officer, or member of a fire department, or a deputy state fire marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department, or a deputy state fire marshal, 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 an officer or member of a fire department, or a deputy state fire marshal, or which so resembles the authorized badge of an officer or member of a fire department, or a deputy state fire marshal 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 an officer or member of a fire department or a deputy state fire marshal, for the purpose of fraudulently impersonating an officer or member of a fire department, or a deputy state fire marshal, or of fraudulently inducing the belief that they are an officer or member of a fire department, or a deputy state fire marshal, 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 an officer, or member of a fire department or a deputy state fire marshal, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a fire department or a deputy state fire marshal as would deceive an ordinary reasonable person into believing that it is authorized for use by an officer or member of a fire department or a deputy state fire marshal, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is guilty of a misdemeanor punishable by a fine not to exceed fifteen thousand dollars (\$15,000).

(d) Any person who, for the purpose of selling, leasing or otherwise disposing of merchandise, supplies or equipment used in fire prevention or suppression, falsely represents, in any manner whatsoever, to any other person that they are a fire marshal, fire inspector or member of a fire department, or that they have the

approval, endorsement or authorization of any fire marshal, fire inspector or fire department, or member thereof, is guilty of a misdemeanor.

(e) (1) Vendors of uniforms shall verify that a person purchasing a uniform identifying a firefighting agency or department is an employee or authorized member of the agency or department identified on the uniform. Examination of a valid photo identification card issued by a firefighting agency or department that designates the person as an employee or authorized member of the agency or department identified on the uniform shall be sufficient verification.

(2) If a person purchasing a uniform does not have a valid photo identification card issued by a firefighting agency or department, the person shall present an official letter of authorization from the firefighting agency or department designating that person as an employee or authorized member of the agency or department. The person shall also present a government issued photo identification card bearing the same name as listed in the letter of authorization issued by the agency or department.

(3) Any uniform vendor who sells a uniform identifying a firefighting agency or department without verifying that the purchaser is an employee or authorized member of the agency or department is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000).

(4) This subdivision shall not apply if the uniform is to be used solely as a prop for a motion picture, television, video production, or a theatrical event, and prior written permission has been obtained from the identified firefighting agency or department.

(f) This section shall not apply to either of the following:

(1) Use of a badge solely as a prop for a motion picture, television, or video production, or an entertainment or theatrical event.

(2) A badge supplied by a recognized employee organization as defined in Section 3501 of the Government Code representing firefighters or a state or international organization to which it is affiliated.

SEC. 4. Section 538f of the Penal Code is amended to read:

538f. Any person, other than an employee of a public utility or district as defined in Sections 216 and 11503 of the Public Utilities Code, respectively, who willfully presents themselves to a utility or district customer with the intent of fraudulently personating an employee of a public utility or district, or of fraudulently inducing the belief that they are an employee of a public utility or district, or who willfully and credibly impersonates an employee of a public utility or district on an internet website, ~~or~~ by other electronic means, *or by any other means*, for purposes of defrauding another, is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment. Nothing in this section shall be construed to prohibit conduct that arguably constitutes protected activity under state labor law or the National Labor Relations Act (Title 29, United States Code, Section 151 and following).

SEC. 5. Section 538g of the Penal Code is amended to read:

538g. (a) Any person, other than a state, county, city, special district, or city and county officer or employee, who willfully wears, exhibits, or uses the authorized badge, photographic identification card, or insignia of a state, county, city, special district, or city and county officer or employee, with the intent of fraudulently personating a state, county, city, special district, or city and county officer or employee, or of fraudulently inducing the belief that they are a state, county, city, special district, or city and county officer or employee, or who willfully and credibly impersonates such an officer or member on an internet website, ~~or~~ by other electronic means, *or by any other means*, for purposes of defrauding another, is guilty of a misdemeanor.

(b) Any person who willfully wears, exhibits, or uses, or willfully makes, sells, loans, gives, or transfers to another, any badge, photographic identification card, or insignia, which falsely purports to be for the use of a state, county, city, special district, or city and county officer or employee, or which so resembles the authorized badge, photographic identification card, or insignia of a state, county, city, special district, or city and county officer or employee as would deceive an ordinary reasonable person into believing that it is authorized for use by a state, county, city, special district, or city and county officer or employee, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed fifteen thousand dollars (\$15,000).

(c) This section shall not apply to either of the following:

(1) Use of a badge solely as a prop for a motion picture, television, or video production, or an entertainment or theatrical event.

(2) A badge supplied by a recognized employee organization as defined in Section 3501 of the Government Code or a state or international organization to which it is affiliated.

SEC. 6. Section 538h of the Penal Code is amended to read:

538h. (a) Any person, other than an officer or member of a government agency managed or affiliated search and rescue unit or team, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing of an officer or member of a government agency managed or affiliated search and rescue unit or team, with the intent of fraudulently impersonating an officer or member of a government agency managed or affiliated search and rescue unit or team, or of fraudulently inducing the belief that they are an officer or member of a government agency managed or affiliated search and rescue unit or team, or uses the same to obtain aid, money, or assistance within this state, or who willfully and credibly impersonates such an officer or member on an internet website, ~~or~~ by other electronic means, *or by any other means*, for purposes of defrauding another, is guilty of a misdemeanor.

(b) (1) Any person, other than the one who by law is given the authority of an officer or member of a government agency managed or affiliated search and rescue unit or team, who willfully wears, exhibits, or uses the badge of a government agency managed or affiliated search and rescue unit or team with the intent of fraudulently impersonating an officer or member of a government agency managed or affiliated search and rescue unit or team, or fraudulently inducing the belief that they are an officer or member of a government agency managed or affiliated search and rescue unit or team, 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 an officer or member of a government agency managed or affiliated search and rescue unit or team, or that resembles the authorized badge of an officer or member of a government agency managed or affiliated search and rescue unit or team 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 an officer or member of a government agency managed or affiliated search and rescue unit or team, for the purpose of fraudulently impersonating an officer or member of a government agency managed or affiliated search and rescue unit or team, or of fraudulently inducing the belief that they are an officer or member of a government agency managed or affiliated search and rescue unit or team, 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 fine and imprisonment.

(c) As used in this section, the following terms have the following meanings:

(1) "Member" means any natural person who is registered with an accredited disaster council for the purpose of engaging in disaster service without pay or other consideration. Food and lodging provided, or expenses reimbursed for these items, during a member's activation do not constitute other consideration.

(2) "Search and rescue unit or team" means an entity engaged in the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity, any person that becomes lost, injured, or is killed while outdoors or as a result of a natural or manmade disaster, including instances involving searches for downed or missing aircraft.

SEC. 7. Section 1299.07 of the Penal Code is amended to read:

1299.07. (a) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not represent ~~himself or herself~~ *themselves* in any manner as being a sworn law enforcement officer.

(b) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not wear any uniform that represents ~~himself or herself~~ *themselves* as belonging to any part or department of a federal, state, or local government. Any uniform shall not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.

(c) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not wear or otherwise use a badge that represents ~~himself or herself~~ *themselves* as belonging to any part or department of the federal, state, or local government.

(d) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not use a fictitious name that represents ~~himself or herself~~ *themselves* as belonging to any federal, state, or local government.

(e) An individual authorized by Section 1299.02 to apprehend a bail fugitive may wear a jacket, shirt, or vest with the words "BAIL BOND RECOVERY AGENT," "BAIL ENFORCEMENT," or "BAIL ENFORCEMENT AGENT" displayed in letters at least two inches high across the front or back of the jacket, shirt, or vest and in a contrasting color to that of the jacket, shirt, or vest.

(f) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not use that position for the purposes of immigration enforcement, as defined in subdivision (f) of Section 7284.4 of the Government Code.

(g) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall keep a defendant's immigration status confidential within their employing bail bond agency's business.

SEC. 8. *Section 13653 is added to the Penal Code, to read:*

13653. *(a) An employee of a law enforcement agency may request an alleged law enforcement employee to present identification when there is probable cause or reasonable suspicion of a crime, including, but not limited to, impersonating a peace officer, or when there is a legitimate safety concern.*

(b) For the purposes of this section, "employee of a law enforcement agency" includes any employee of any local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

SEC. 9. *Section 13654 is added to the Penal Code, to read:*

13654. *(a) Personnel of a law enforcement agency operating in California shall visibly display identification that includes either a name or badge number to the public when performing their duties.*

(b) This section does not apply to personnel while operating undercover.

(c) A violation of this section is punishable as a misdemeanor.

(d) For the purposes of this section, "personnel of a law enforcement agency" means any officer of a local, state, or federal law enforcement agency or any person acting on behalf of a local, state, or federal law enforcement agency.

SEC. 10. *The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

SEC. 11. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. Section 2085 of the Insurance Code is amended to read:~~

~~2085.(a)(1)In the case of a declaration of a disaster by the President of the United States or the Governor, if a property owner or owner's legal representative is unable to identify the insurer of the owner's property that is located in the declared disaster area, the commissioner shall, at the request of the property owner or owner's legal representative, electronically provide the property owner's name, any contact information provided to the commissioner, and property location information to insurers that issue homeowners' insurance policies subject to Section 2071.~~

~~(2)The commissioner or an insurer may conclusively presume that a request submitted pursuant to paragraph~~

~~(1) is a bona fide request from the property owner or owner's legal representative. Information transmitted to the commissioner or an insurer pursuant to this section shall, within the meaning of subdivision (b) of Section 1798.24 of the Civil Code, constitute information provided with the voluntary written consent of the person transmitting the information and shall authorize the commissioner or an insurer to provide the information to others in accordance with this section. A reasonable expectation of privacy shall not exist for the information provided to the commissioner or an insurer pursuant to this section and a cause of action shall not arise and liability shall not be imposed against the commissioner or an insurer, the commissioner's or an insurer's authorized representatives, or any department or insurer employee for statements made or conduct performed in good faith while carrying out the provisions of this section.~~

~~(3) Communication between a property owner or owner's legal representative and the commissioner, and between the commissioner and insurers, shall not constitute the filing of a claim.~~

~~(b) An insurer that issues homeowners' insurance policies subject to Section 2071 shall provide the commissioner with an email address for accepting an electronic transmission from the commissioner pursuant to subdivision (a).~~

~~(c)(1) An insurer that issues homeowners' insurance policies subject to Section 2071 shall respond to the property owner or owner's legal representative within 75 days after receiving a transmission pursuant to subdivision (a) and shall indicate if the insurer issued a homeowners' insurance policy on the property located in the disaster area and identified in the commissioner's communication that was in force at the time that the disaster occurred. An insurer's response to the property owner or owner's legal representative pursuant to this paragraph shall not be an acknowledgment of a claim, and shall not constitute an admission of coverage under any policy for any loss.~~

~~(2) Notwithstanding paragraph (1), the department and the insurer shall not be required to respond to a property owner or the owner's legal representative if the insurer determines that it did not issue a policy for the property.~~

~~(3) A response by an insurer to the property owner or the owner's legal representative pursuant to paragraph (1) shall be provided free of charge.~~