

BILL ANALYSIS

H.B. 325
By: McCall
Law Enforcement
Committee Report (Amended)

BACKGROUND AND PURPOSE

Under current law, the penalty for providing false information to a peace officer is a Class C misdemeanor. This is a crime that exposes Texans to identity theft and places offenses on their criminal records that they did not commit. According to the FBI, identity theft is one of the fastest-growing crimes in the United States. Studies show that about one in five families in this country has been a victim of identity theft. Myriads of federal government reports, prepared by such agencies as the GAO, INS, and FBI, have linked the crime of identity theft to many other serious crimes including mass fraud, people trafficking, and even terror organization activities. The Federal Trade Commission estimates that the average victim spends 175 hours and \$1,100 in out-of-pocket expenses dealing with identity theft. The current language of Penal Code Section 38.02 does not take into account the prevalence or severity of identity theft. House Bill 325 increases the penalty for providing false information to a peace officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 325 amends Section 38.02(c) of the Penal Code to increase the penalty for intentional refusal to give one's name, address, or date of birth to a peace officer, or intentional provision of a false or fictitious name, address, or date of birth to a peace officer from a Class C to a Class B misdemeanor. The bill amends Section 38.02(d) of the Penal Code to increase the penalty from a Class B to a Class A misdemeanor in cases wherein the offender is shown on the trial of an offense under Section 38.02 to have been a fugitive from justice at the time the offense was committed.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 increases from a Class C to a Class B misdemeanor the penalty for a person who intentionally gives a false or fictitious name, address, or date of birth to a peace officer. The amendment increases from a Class B to a Class A misdemeanor the penalty for a defendant who gives a false or fictitious name, address, or date of birth to a peace officer and is shown to have been a fugitive at the time of the commission of the offense. The amendment leaves the penalty for a person who intentionally refuses to give his or her name, address, or date of birth to a peace officer the same as under current law.