

By: McCall

H.B. No. 325

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of failure to identify.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 38.02(c) and (d), Penal Code, are amended to read as follows:

(c) Except as provided by Subsection (d), an offense under this section is a Class B [~~C~~] misdemeanor.

(d) If it is shown on the trial of an offense under this section that the defendant was a fugitive from justice at the time of the offense, the offense is a Class A [~~B~~] misdemeanor.

SECTION 2. This Act takes effect September 1, 2003, and applies only to an offense committed on or after that date. An offense committed before September 1, 2003, is covered by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2003, if any element of the offense was committed before that date.

COMMITTEE AMENDMENT NO. 1

Amend H.B. No. 325 by striking lines 6-10, in SECTION 1 of the bill and substituting the following:

(c) Except as provided by Subsection (d), an offense under this section is:

(1) a Class C misdemeanor if the offense is committed under Subsection (a); or

(2) a Class B misdemeanor if the offense is committed under Subsection (b).

(d) If it is shown on the trial of an offense under this section that the defendant was a fugitive from justice at the time of the offense, the offense is:

(1) a Class B misdemeanor if the offense is committed under Subsection (a); or

(2) a Class A misdemeanor if the offense is committed under Subsection (b).