

1-1 By: McCall (Senate Sponsor - Estes) H.B. No. 325  
1-2 (In the Senate - Received from the House March 31, 2003;  
1-3 April 3, 2003, read first time and referred to Committee on  
1-4 Criminal Justice; May 23, 2003, reported favorably by the  
1-5 following vote: Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the punishment for the offense of failure to identify.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Sections 38.02(c) and (d), Penal Code, are  
1-11 amended to read as follows:

1-12 (c) Except as provided by Subsection (d), an offense under  
1-13 this section is:

1-14 (1) a Class C misdemeanor if the offense is committed  
1-15 under Subsection (a); or

1-16 (2) a Class B misdemeanor if the offense is committed  
1-17 under Subsection (b).

1-18 (d) If it is shown on the trial of an offense under this  
1-19 section that the defendant was a fugitive from justice at the time  
1-20 of the offense, the offense is:

1-21 (1) a Class B misdemeanor if the offense is committed  
1-22 under Subsection (a); or

1-23 (2) a Class A misdemeanor if the offense is committed  
1-24 under Subsection (b).

1-25 SECTION 2. This Act takes effect September 1, 2003, and  
1-26 applies only to an offense committed on or after that date. An  
1-27 offense committed before September 1, 2003, is covered by the law in  
1-28 effect at the time the offense was committed, and the former law is  
1-29 continued in effect for that purpose. For purposes of this section,  
1-30 an offense was committed before September 1, 2003, if any element of  
1-31 the offense was committed before that date.

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