

By: Riddle

H.B. No. 2271

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution of and punishment for the offense of  
3 failure to identify.

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

5 SECTION 1. Section 38.01(5), Penal Code, is amended to read  
6 as follows:

7 (5) "Fugitive from justice" means a person for whom a  
8 valid arrest warrant, capias, commitment, attachment, or other  
9 instrument has been issued requiring a peace officer to take  
10 custody of the person.

11 SECTION 2. Sections 38.02(a), (b), and (d), Penal Code, are  
12 amended to read as follows:

13 (a) A person commits an offense if the person, on a request  
14 for the information, knowingly [~~he intentionally~~] refuses to give  
15 the person's [~~his~~] name, residence address, or date of birth to a  
16 peace officer who has:

17 (1) lawfully arrested the person; or

18 (2) lawfully detained the person [~~and requested the~~  
19 ~~information~~].

20 (b) A person commits an offense if the person knowingly [~~he~~  
21 ~~intentionally~~] gives a false or fictitious name, residence address,  
22 or date of birth to a peace officer who has:

23 (1) lawfully arrested the person;

24 (2) lawfully detained the person; or

1           (3) requested the information from a person that the  
2 peace officer has good cause to believe is a witness to a criminal  
3 offense.

4           (d) If it is shown on the trial of an offense under this  
5 section that the defendant was a fugitive from justice at the time  
6 of the offense, the punishment prescribed for the offense is  
7 increased to the punishment prescribed for the next highest  
8 category of offense[+]

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

11                   ~~[(2) a Class A misdemeanor if the offense is committed~~  
12 ~~under Subsection (b)].~~

13           SECTION 3. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 An offense committed before the effective date of this Act is  
16 covered by the law in effect when the offense was committed, and the  
17 former law is continued in effect for that purpose. For purposes of  
18 this section, an offense is committed before the effective date of  
19 this Act if any element of the offense occurs before the effective  
20 date.

21           SECTION 4. This Act takes effect September 1, 2005.