

BILL ANALYSIS

C.S.H.B. 855
By: Delisi
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A peace officer arriving on a scene of some trouble or disturbance must ascertain the facts as quickly as possible so control can be gained and sources of critical information can promptly be identified. Under current law, a person commits an offense if he intentionally refuses to give his name, residence address, or date of birth to a peace officer who has lawfully arrested the person and requested the information.

C.S.H.B. 855 states that is a crime of a person intentionally refuses to give the person's name, residence address, or date of birth to a peace office who has lawfully arrested or detained the person and requested the information.

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

This bill amends Section 38.02(a) of the Penal Code by stating that it is an offense to intentionally refuse to give requested identifying information, including name, residence address, or date of birth, to a requesting peace office who lawfully arrested or detained a person.

C.S.H.B. 855 will only apply to an offense committed on or after the effective date of the Act.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 855 modifies the original bill by deleting Subsections (c) and (d), which included proposed increased statutory penalties under certain circumstances. The bill replaces "he" and "his" with "the person" to make it gender neutral.