

By: Delisi

H.B. No. 855

A BILL TO BE ENTITLED

1 AN ACT

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

7 (a) A person commits an offense if he intentionally refuses  
8 to give his name, residence address, or date of birth to a peace  
9 officer who has lawfully arrested or lawfully detained the person  
10 and who has requested the information.

11 (c) Except as provided by Subsections (d) and (e), an  
12 offense under this section is[+]

13 [~~(1) a Class C misdemeanor if the offense is committed~~  
14 ~~under Subsection (a), or~~

15 [~~(2)] a Class B misdemeanor [if the offense is~~  
16 ~~committed under Subsection (b)].~~

17 (d) If it is shown on the trial of an offense under  
18 Subsection (a), (b)(1), or (b)(2) [~~this section~~] that the defendant  
19 was a fugitive from justice at the time of the offense, the offense  
20 is[+]

21 [~~(1) a Class B misdemeanor if the offense is committed~~  
22 ~~under Subsection (a), or~~

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

1           SECTION 2. The change in law made by this Act applies only  
2 to an offense committed on or after the effective date of this Act.  
3 An offense committed before the effective date of this Act is  
4 covered by the law in effect when the offense was committed, and the  
5 former law is continued in effect for that purpose. For purposes of  
6 this section, an offense is committed before the effective date of  
7 this Act if any element of the offense occurs before that date.

8           SECTION 3. This Act takes effect September 1, 2007.