

By: Carona

S.B. No. 367

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of and punishment for certain criminal
3 offenses involving the use of a false or fictitious identity or
4 identifying documents.

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

6 SECTION 1. Section 37.10, Penal Code, is amended by adding
7 Subsection (j) to read as follows:

8 (j) It is not a defense to prosecution under Subsection
9 (a)(2) that the record, document, or thing made, presented, or used
10 displays or contains the statement "NOT A GOVERNMENT DOCUMENT" or
11 another substantially similar statement intended to alert a person
12 to the falsity of the record, document, or thing, unless the record,
13 document, or thing displays the statement diagonally printed
14 clearly and indelibly on both the front and back of the record,
15 document, or thing in solid red capital letters at least one-fourth
16 inch in height.

17 SECTION 2. Section 521.454, Transportation Code, is amended
18 by adding Subsection (d) to read as follows:

19 (d) If conduct constituting an offense under this section
20 also constitutes an offense under another law, the actor may be
21 prosecuted under this section, the other law, or both.

22 SECTION 3. Section 521.455, Transportation Code, is amended
23 by adding Subsection (c) to read as follows:

24 (c) If conduct constituting an offense under this section

1 also constitutes an offense under another law, the actor may be
2 prosecuted under this section, the other law, or both.

3 SECTION 4. Section 521.456, Transportation Code, is amended
4 by adding Subsection (e) to read as follows:

5 (e) If conduct constituting an offense under this section
6 also constitutes an offense under another law, the actor may be
7 prosecuted under this section, the other law, or both.

8 SECTION 5. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 covered by the law in effect when the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before the effective date of
14 this Act if any element of the offense occurred before that date.

15 SECTION 6. This Act takes effect September 1, 2009.