

1-1 By: Carona S.B. No. 367
1-2 (In the Senate - Filed December 15, 2008; February 17, 2009,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 8, 2009, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 8,
1-6 Nays 0; April 8, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 367 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prosecution of and punishment for certain criminal
1-11 offenses involving the use of a false or fictitious identity or
1-12 identifying documents.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 37.10, Penal Code, is amended by adding
1-15 Subsection (j) to read as follows:

1-16 (j) It is not a defense to prosecution under Subsection
1-17 (a)(2) that the record, document, or thing made, presented, or used
1-18 displays or contains the statement "NOT A GOVERNMENT DOCUMENT" or
1-19 another substantially similar statement intended to alert a person
1-20 to the falsity of the record, document, or thing, unless the record,
1-21 document, or thing displays the statement diagonally printed
1-22 clearly and indelibly on both the front and back of the record,
1-23 document, or thing in solid red capital letters at least one-fourth
1-24 inch in height.

1-25 SECTION 2. Section 521.454, Transportation Code, is amended
1-26 by adding Subsection (d) to read as follows:

1-27 (d) If conduct constituting an offense under this section
1-28 also constitutes an offense under another law, the actor may be
1-29 prosecuted under this section, the other law, or both.

1-30 SECTION 3. Section 521.455, Transportation Code, is amended
1-31 by adding Subsection (c) to read as follows:

1-32 (c) If conduct constituting an offense under this section
1-33 also constitutes an offense under another law, the actor may be
1-34 prosecuted under this section, the other law, or both.

1-35 SECTION 4. Section 521.456, Transportation Code, is amended
1-36 by adding Subsection (e) to read as follows:

1-37 (e) If conduct constituting an offense under this section
1-38 also constitutes an offense under another law, the actor may be
1-39 prosecuted under this section, the other law, or both.

1-40 SECTION 5. The change in law made by this Act applies only
1-41 to an offense committed on or after the effective date of this Act.
1-42 An offense committed before the effective date of this Act is
1-43 covered by the law in effect when the offense was committed, and the
1-44 former law is continued in effect for that purpose. For purposes of
1-45 this section, an offense was committed before the effective date of
1-46 this Act if any element of the offense occurred before that date.

1-47 SECTION 6. This Act takes effect September 1, 2009.

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