

By: Taylor

H.B. No. 157

A BILL TO BE ENTITLED

AN ACT

relating to detentions during motor vehicle stops for the purpose of determining the identity of persons operating the vehicles.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.32 to read as follows:

Art. 2.32. DETERMINING IDENTITY DURING MOTOR VEHICLE STOP.

(a) In this article, "motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle based on the officer's reasonable suspicion of an alleged violation of a law or ordinance.

(b) For purposes of accurately determining the person's identity, a peace officer who makes a motor vehicle stop may detain the person operating the motor vehicle if the person operating the motor vehicle:

(1) fails to provide to the officer during the stop:

(A) a driver's license issued to the person under Chapter 521 or 522, Transportation Code;

(B) a driver's license or commercial driver's license issued to the person by another state;

(C) a United States passport issued to the person; or

(D) any other form of photographic identification issued to the person by a governmental entity; or

(2) instead of providing a form of identification

1 described by Subdivision (1), provides one fingerprint from each
2 hand of the person.

3 (c) A peace officer may request a person operating a motor
4 vehicle to provide one fingerprint from each hand if the person
5 fails to provide a form of identification described by Subsection
6 (b)(1).

7 (d) A peace officer may detain a person under Subsection (b)
8 only for the period that is reasonably necessary to accurately
9 determine the person's identity and, notwithstanding any other law,
10 may not arrest the person under state law solely for the person's
11 failure to provide the identifying information described by that
12 subsection.

13 (e) This article does not prevent a peace officer from
14 obtaining fingerprints through any other lawful means.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.