

By: Lang

H.B. No. 2711

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of failure to identify; increasing a criminal penalty.

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

SECTION 1. Sections 38.02(a), (c), and (d), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person ~~[he]~~ intentionally refuses to give the person's ~~[his]~~ name, residence address, or date of birth to a peace officer who has ~~[lawfully arrested the person and]~~ requested the information from the person and:

(1) has lawfully arrested the person;

(2) has lawfully detained the person; or

(3) has good cause to believe that the person is a witness to a criminal offense.

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

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

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

(d) If it is shown on the trial of an offense under this section that the defendant was a fugitive from justice at the time of the offense, the offense is[+]

1 ~~[(1) a Class B misdemeanor if the offense is committed~~
2 ~~under Subsection (a); or~~
3 ~~[(2)]~~ a Class A misdemeanor ~~[if the offense is~~
4 ~~committed under Subsection (b)]~~.

5 SECTION 2. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

13 SECTION 3. This Act takes effect September 1, 2019.