87R7902 TSS-D

By:  Dutton H.B. No. 2105

A BILL TO BE ENTITLED

AN ACT

relating to failure to identify to a peace officer while carrying certain firearms; creating a criminal offense.

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

SECTION 1.  Section 38.02, Penal Code, is amended by adding Subsection (b-1) and amending Subsections (c) and (d) to read as follows:

(b-1)  A person commits an offense if the person is carrying a partially or wholly visible firearm other than a handgun and the person intentionally:

(1)  refuses to give the person's name, residence address, or date of birth to a peace officer who has requested the information; or

(2)  gives a false or fictitious name, residence address, or date of birth to a peace officer who has requested the information.

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

(1)  a Class C misdemeanor if the offense is committed under Subsection (a) or (b-1)(1); or

(2)  a Class B misdemeanor if the offense is committed under Subsection (b) or (b-1)(2).

(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)  a Class B misdemeanor if the offense is committed under Subsection (a) or (b-1)(1); or

(2)  a Class A misdemeanor if the offense is committed under Subsection (b) or (b-1)(2).

SECTION 2.  This Act takes effect September 1, 2021.