

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

1 of the offense, the offense is:

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

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

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