

## **BILL ANALYSIS**

S.B. 1551  
By: West  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current Texas law provides a remedy to a person who, without their knowledge or permission, has had their name given to law enforcement by another person in order for that person to avoid arrest. A person whose identity has been falsely or wrongfully used by another person can contact the appropriate law enforcement agency to confirm that any charges alleging an offense pending against them due to the misuse of their identity was, in fact, not committed by them. When this process is complete, the information that clears the complainant of the charges incurred through the fraudulent use of their name can be submitted by a law enforcement agency to the county or district attorney to present to the court on the person's behalf and those charges and records related to the offense can be expunged.

However, problems still arise because a person whose name has been falsely used by another person and given to law enforcement may have no way of knowing that their identifying information has been fraudulently used by someone else. If that person is stopped by law enforcement, they may be subject to arrest. These charges may also appear, unbeknownst to the subject, when a criminal history search is performed by a prospective employer, a licensing agency, or a prospective landlord screening tenants for housing.

S.B. 1551 seeks to prevent a person from using the name of another person to avoid detention or arrest, thus helping to prevent the victimization of the person whose identity has been fraudulently used, by making it an offense for the operator of a motor vehicle who is stopped by law enforcement and fails to provide or display their driver's license and intentionally refuses to give their name, driver's license number, residence address, or date of birth to the officer.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1551 amends the Penal Code to create a new Class C misdemeanor offense of failure to identify for a person who is an operator of a motor vehicle who is lawfully detained by a peace officer for an alleged violation of a law and who does the following:

- fails to provide or display the person's driver's license on the officer's request for the license; and

- intentionally refuses to give the person's name, driver's license number, residence address, or date of birth to the officer on the officer's request for that information.

S.B. 1551 further provides the following with respect to this new offense:

- "motor vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a device used exclusively on stationary rails or tracks;
- giving a peace officer a residence address that is different from the address associated with the person's driver's license does not constitute a refusal to give the person's residence address if the address given to the officer is the person's actual residence address;
- the penalty for the offense is enhanced to a Class B misdemeanor if it is shown on the trial of the offense that the actor gave a false or fictitious name to the peace officer during the commission of the offense; and
- if conduct that constitutes the offense also constitutes an offense under any other law, the actor may be prosecuted for either or both offenses.

**EFFECTIVE DATE**

September 1, 2023.