

By: West
(Frazier)

S.B. No. 1551

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of failure to identify; 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 Subsections (b-1), (b-2), (d-1), and (f) and amending Subsection (c) to read as follows:

(b-1) A person commits an offense if the person:

(1) is an operator of a motor vehicle, as defined by Section 32.34, who is lawfully detained by a peace officer for an alleged violation of a law;

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

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

(b-2) For purposes of Subsection (b-1)(3), 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 in violation of that provision if the address given to the officer is the person's actual residence address.

(c) Except as provided by Subsections ~~[Subsections]~~ (d) and (d-1) ~~[and (e)]~~, an offense under this section is:

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

3 (2) a Class B misdemeanor if the offense is committed
4 under Subsection (b).

5 (d-1) An offense under Subsection (b-1) is a Class B
6 misdemeanor if it is shown on the trial of the offense that the
7 actor gave a false or fictitious name to the peace officer during
8 the commission of the offense.

9 (f) Subject to Subsection (e), if conduct that constitutes
10 an offense under Subsection (b-1) also constitutes an offense under
11 any other law, the actor may be prosecuted under that subsection,
12 the other law, or both.

13 SECTION 2. This Act takes effect September 1, 2023.