

By: Patrick

S.B. No. 1175

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of failure to identify.

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

4 SECTION 1. Section 38.02, Penal Code, is amended by  
5 amending Subsection (a) and adding Subsection (f) to read as  
6 follows:

7 (a) A person commits an offense if the person [~~he~~]  
8 intentionally refuses to give the person's [~~his~~] name, residence  
9 address, or date of birth to a peace officer who has:

10 (1) lawfully arrested or lawfully detained the person;

11 and

12 (2) requested the information.

13 (f) For purposes of this section, an arrest or detention of  
14 a person by a peace officer is lawful only if a reasonable peace  
15 officer would have arrested or detained the person under the same  
16 circumstances under which the actor was arrested or detained.

17 SECTION 2. The change in law made by this Act applies only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 covered by the law in effect when the offense was committed, and the  
21 former law is continued in effect for that purpose. For purposes of  
22 this section, an offense is committed before the effective date of  
23 this Act if any element of the offense occurs before that date.

24 SECTION 3. This Act takes effect September 1, 2009.