

1-1 By: West S.B. No. 1551
1-2 (In the Senate - Filed March 3, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 12, 2023, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 12, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-------------|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | Whitmire | X | | |
| 1-9 | Flores | X | | |
| 1-10 | Bettencourt | X | | |
| 1-11 | Hinojosa | X | | |
| 1-12 | Huffman | X | | |
| 1-13 | King | X | | |
| 1-14 | Miles | X | | |

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the prosecution of the criminal offense of failure to
1-18 identify; creating a criminal offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 38.02, Penal Code, is amended by adding
1-21 Subsections (b-1), (b-2), (d-1), and (f) and amending Subsection
1-22 (c) to read as follows:

1-23 (b-1) A person commits an offense if the person:

1-24 (1) is an operator of a motor vehicle, as defined by
1-25 Section 32.34, who is lawfully detained by a peace officer for an
1-26 alleged violation of a law;

1-27 (2) fails to provide or display the person's driver's
1-28 license on the officer's request for the license; and

1-29 (3) intentionally refuses to give the person's name,
1-30 driver's license number, residence address, or date of birth to the
1-31 peace officer on the officer's request for that information.

1-32 (b-2) For purposes of Subsection (b-1)(3), giving a peace
1-33 officer a residence address that is different from the address
1-34 associated with the person's driver's license does not constitute a
1-35 refusal to give the person's residence address in violation of that
1-36 provision if the address given to the officer is the person's actual
1-37 residence address.

1-38 (c) Except as provided by Subsections ~~[Subsections]~~ (d) and
1-39 (d-1) ~~and (e)~~, an offense under this section is:

1-40 (1) a Class C misdemeanor if the offense is committed
1-41 under Subsection (a) or (b-1); or

1-42 (2) a Class B misdemeanor if the offense is committed
1-43 under Subsection (b).

1-44 (d-1) An offense under Subsection (b-1) is a Class B
1-45 misdemeanor if it is shown on the trial of the offense that the
1-46 actor gave a false or fictitious name to the peace officer during
1-47 the commission of the offense.

1-48 (f) Subject to Subsection (e), if conduct that constitutes
1-49 an offense under Subsection (b-1) also constitutes an offense under
1-50 any other law, the actor may be prosecuted under that subsection,
1-51 the other law, or both.

1-52 SECTION 2. This Act takes effect September 1, 2023.

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