

CHAPTER 869

H.B. No. 826

AN ACT

relating to the offense of failure to identify oneself to a peace officer.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 38.02, Penal Code, is amended to read as follows:

Sec. 38.02. FAILURE TO IDENTIFY [~~AS WITNESS~~]. (a) A person commits an offense if he intentionally refuses to report or give [~~gives a false report of~~] his name, [~~and~~] residence address, or date of birth to a peace officer who has lawfully arrested the person [~~stopped him~~] and requested the information.

(b) *A person commits an offense if he reports or gives a false or fictitious name, residence address, or date of birth to a peace officer who has lawfully arrested the person or who has requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense.*

(c) *In this section, "fugitive from justice" means a person for whom a valid arrest warrant has been issued by a magistrate of this state, if the warrant has not been executed.*

(d) *Except as provided by Subsection (e) of this section, an offense under this section is a Class C misdemeanor.*

(e) *If it is shown on the trial of an offense under this section that the defendant was a fugitive from justice at the time of the offense or that the defendant has been previously convicted of an offense under this section, the offense is a Class B misdemeanor. [~~An offense under this section is a Class C misdemeanor.~~]*

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 7, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 826 on May 29, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 27, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.