

**BILL ANALYSIS**

Senate Research Center  
78R5268 KCR-D

S.B. 742  
By: Estes  
Criminal Justice  
3/31/2003  
As Filed

**DIGEST AND PURPOSE**

Current law lacks any provision to address effectively “failure to identify,” which includes giving fictitious information or another person’s information. This type of identity theft can result in criminal offense appearing on an innocent person’s record as well as the arrest of an innocent person. As proposed, S.B. 742 increases the punishment for giving false information to a law enforcement authority in effort to evade the law.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 38.02(c) and (d), Penal Code, as follows:

(c) Provides that, except as provided by Subsection (d), an offense under this section is a Class C misdemeanor if the offense is committed under Subsection (a) or a Class B misdemeanor if the offense is committed under Subsection (b).

(d) Provides that 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, the offense is a Class B misdemeanor if the offense is committed under Subsection (a) or a Class A misdemeanor if the offense is committed under Subsection (b).

SECTION 2. Effective date: September 1, 2003.  
Makes application of this Act prospective.