

AN ACT

relating to the punishment for the offenses of failure to identify and failure to report.

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

SECTION 1. Section 38.02, Penal Code, is amended by amending Subsections (c) and (d) and adding Subsection (e) to read as follows:

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

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

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

(d) 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:

(1) a Class B misdemeanor if the offense is committed under Subsection (a); or

(2) a Class A misdemeanor if the offense is committed under Subsection (b).

(e) If conduct that constitutes an offense under this section also constitutes an offense under Section 106.07, Alcoholic Beverage Code, the actor may be prosecuted only under Section 106.07.

1 SECTION 2. Chapter 38, Penal Code, is amended by adding
2 Section 38.171 to read as follows:

3 Sec. 38.171. FAILURE TO REPORT FELONY. (a) A person
4 commits an offense if the person:

5 (1) observes the commission of a felony under
6 circumstances in which a reasonable person would believe that an
7 offense had been committed in which serious bodily injury or death
8 may have resulted; and

9 (2) fails to immediately report the commission of the
10 offense to a peace officer or law enforcement agency under
11 circumstances in which:

12 (A) a reasonable person would believe that the
13 commission of the offense had not been reported; and

14 (B) the person could immediately report the
15 commission of the offense without placing himself or herself in
16 danger of suffering serious bodily injury or death.

17 (b) An offense under this section is a Class A misdemeanor.

18 SECTION 3. This Act takes effect September 1, 2003, and
19 applies only to an offense committed on or after that date. An
20 offense committed before September 1, 2003, is covered by the law in
21 effect at the time the offense was committed, and the former law is
22 continued in effect for that purpose. For purposes of this section,
23 an offense was committed before September 1, 2003, if any element of
24 the offense was committed before that date.

David Swinhart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 325 was passed by the House on March 28, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 325 on May 30, 2003, by a non-record vote.

Robert Harey
Chief Clerk of the House

I certify that H.B. No. 325 was passed by the Senate, with amendments, on May 28, 2003, by a viva-voce vote.

Patricia Saw
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30 AM '03

Jeannine Shea
Secretary of State