

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DISCLOSURE OF IDENTITY TO OFFICER

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Jon J. Greiner

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill modifies the Utah Criminal Code by making it a class B misdemeanor for a person to fail to disclose the person's identity to a peace officer under specified circumstances, and modifies the Utah Code of Criminal Procedure by providing that a peace officer may arrest a person for this offense without a warrant.

Highlighted Provisions:

This bill:

- ▶ provides that it is a class B misdemeanor for a person to fail to disclose the person's name when disclosure is demanded by a peace officer after the peace officer stops the person based on a reasonable suspicion that the person has committed, is in the act of committing, or is attempting to commit, a criminal offense, and provides certain exceptions;
- ▶ provides that a peace officer may, without a warrant, arrest a person for failure to disclose identity if the peace officer has reasonable cause to believe that the person committed the offense; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 77-7-2, as last amended by Laws of Utah 1999, Chapter 174

33 ENACTS:

34 76-8-301.5, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section 76-8-301.5 is enacted to read:

38 **76-8-301.5. Failure to disclose identity.**

39 (1) A person is guilty of failure to disclose identity if during the period of time that the
40 person is lawfully subjected to a stop as described in Section 77-7-15:

41 (a) a peace officer demands that the person disclose the person's name;

42 (b) the demand described in Subsection (1)(a) is reasonably related to the
43 circumstances justifying the stop;

44 (c) the disclosure of the person's name by the person does not present a reasonable
45 danger of self-incrimination in the commission of a crime; and

46 (d) the person fails to disclose the person's name.

47 (2) Failure to disclose identity is a class B misdemeanor.

48 Section 2. Section 77-7-2 is amended to read:

49 **77-7-2. Arrest by peace officers.**

50 A peace officer may make an arrest under authority of a warrant or may, without
51 warrant, arrest a person:

52 (1) (a) for any public offense committed or attempted in the presence of any peace
53 officer; and

54 (b) as used in this Subsection (1), "presence" includes all of the physical senses or any
55 device that enhances the acuity, sensitivity, or range of any physical sense, or records the
56 observations of any of the physical senses;

57 (2) when ~~he~~ the peace officer has reasonable cause to believe a felony or a class A
58 misdemeanor has been committed and has reasonable cause to believe that the person arrested

59 has committed it;

60 (3) when ~~he~~ the peace officer has reasonable cause to believe the person has
61 committed a public offense, and there is reasonable cause for believing the person may:

62 (a) flee or conceal himself to avoid arrest;

63 (b) destroy or conceal evidence of the commission of the offense; or

64 (c) injure another person or damage property belonging to another person; or

65 (4) when the peace officer has reasonable cause to believe the person has committed
66 the offense of failure to disclose identity under Section 76-8-301.5.

Legislative Review Note
as of 5-9-07 3:37 PM

Office of Legislative Research and General Counsel

H.B. 10 - Disclosure of Identity to Officer

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
