

1 **FAILURE TO DISCLOSE IDENTITY**

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: Jon J. Greiner

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Utah Criminal Code and the Utah Code of Criminal Procedure by
10 making it a class C misdemeanor for a person to fail to disclose the person's identity to
11 a peace officer, under certain circumstances, and by providing that a peace officer may
12 arrest a person for this offense without a warrant.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ subject to certain exceptions, makes it a class C misdemeanor for a person to fail to
16 disclose the person's name when disclosure is demanded by a peace officer after the
17 peace officer stops the person based on a reasonable suspicion that the person has
18 committed, is in the act of committing, or is attempting to commit, a public offense;

19 ▶ provides that a peace officer may, without a warrant, arrest a person for the offense
20 described in the preceding paragraph if the peace officer has reasonable cause to
21 believe that the person committed the offense; and

22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 77-7-2, as last amended by Chapter 174, Laws of Utah 1999

30 ENACTS:

31 76-8-301.5, Utah Code Annotated 1953



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

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

35 **76-8-301.5. Failure to disclose identity.**

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

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

39 (b) the demand described in Subsection (1)(a) is reasonably related to the
40 circumstances justifying the stop described in Section 77-7-15;

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

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

44 (2) Failure to disclose identity is a class C misdemeanor.

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

46 **77-7-2. Arrest by peace officers.**

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

49 (1) for any public offense committed or attempted in the presence of any peace officer;
50 "presence" includes all of the physical senses or any device that enhances the acuity, sensitivity,
51 or range of any physical sense, or records the observations of any of the physical senses;

52 (2) when ~~he~~ the peace officer has reasonable cause to believe a felony or a class A
53 misdemeanor has been committed and has reasonable cause to believe that the person arrested
54 has committed it;

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

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

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

59 (c) injure another person or damage property belonging to another person; or
60 (4) when the peace officer has reasonable cause to believe that the person has
61 committed the offense of failure to disclose identity under Section 76-8-301.5.

Legislative Review Note
as of 2-5-07 5:19 PM

Office of Legislative Research and General Counsel

H.B. 469 - Failure to Disclose Identity

Fiscal Note

2007 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.
