

1                                   **DISCLOSURE OF IDENTITY TO OFFICER**

2   2008 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Curtis Oda**

5   Senate Sponsor: Jon J. Greiner

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7 **LONG TITLE**

8 **General Description:**

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

13 **Highlighted Provisions:**

14           This bill:

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

20           ▶ provides that a peace officer may, without a warrant, arrest a person for failure to  
21 disclose identity if the peace officer has reasonable cause to believe that the person  
22 committed the offense; and

23           ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25           None

26 **Other Special Clauses:**

27           None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 77-7-2, as last amended by Laws of Utah 1999, Chapter 174

31 ENACTS:

32 76-8-301.5, Utah Code Annotated 1953

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

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

36 **76-8-301.5. Failure to disclose identity.**

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

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

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

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

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

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

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

47 **77-7-2. Arrest by peace officers.**

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

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

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

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

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

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

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

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

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