

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 1, 2024
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB24-090 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 13, strike "**penalty.**" and substitute
2 "**failure to provide identifying information - penalty - definition.**"

3 Page 4, strike lines 3 through 10 and substitute:

4 "(2) Any person who violates ~~any provision~~ SUBSECTION (1) of
5 this section commits a class A traffic infraction.

6 (3) (a) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
7 WHO DOES NOT HAVE THE PERSON'S PHYSICAL OR DIGITAL DRIVER'S OR
8 MINOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD
9 IN THE PERSON'S IMMEDIATE POSSESSION SHALL, UPON REQUEST OF A
10 PEACE OFFICER, PROVIDE PERSONALLY IDENTIFYING INFORMATION TO THE
11 PEACE OFFICER.

12 (b) A PERSON WHO OPERATES A MOTOR VEHICLE IN THIS STATE
13 WHO HAS THE PERSON'S PHYSICAL OR DIGITAL DRIVER'S OR MINOR
14 DRIVER'S LICENSE, INSTRUCTION PERMIT, OR IDENTIFICATION CARD IN THE
15 PERSON'S IMMEDIATE POSSESSION BUT REFUSES TO PRESENT IT TO A PEACE
16 OFFICER SHALL, UPON REQUEST OF THE PEACE OFFICER, PROVIDE
17 PERSONALLY IDENTIFYING INFORMATION TO THE PEACE OFFICER.

18 (c) A PERSON WHO VIOLATES SUBSECTION (3)(a) OR (3)(b) OF THIS
19 SECTION COMMITS FAILURE TO PROVIDE IDENTIFYING INFORMATION TO A
20 PEACE OFFICER BY A DRIVER.

21 (d) FAILURE TO PROVIDE IDENTIFYING INFORMATION TO A PEACE
22 OFFICER BY A DRIVER IS A CLASS 2 MISDEMEANOR TRAFFIC OFFENSE.

23 (e) A PEACE OFFICER SHALL ISSUE A WRITTEN NOTICE OR SUMMONS
24 TO APPEAR IN COURT, AS PROVIDED IN SECTION 42-4-1707, TO A PERSON
25 FOR A VIOLATION OF THIS SUBSECTION (3). A PEACE OFFICER SHALL NOT
26 ARREST A PERSON FOR A VIOLATION OF THIS SUBSECTION (3), BUT MAY
27 DETAIN THE PERSON TO ASCERTAIN THE PERSON'S IDENTITY. A PEACE

1 OFFICER SHALL NOT DETAIN THE PERSON LONGER THAN REASONABLY
2 NECESSARY TO ASCERTAIN THE PERSON'S IDENTITY.

3 (4) IF A PEACE OFFICER ASKS A DRIVER FOR PERSONALLY
4 IDENTIFYING INFORMATION AND THERE ARE PASSENGERS IN THE DRIVER'S
5 VEHICLE, THE DRIVER MAY REQUEST TO EXIT THE VEHICLE TO PROVIDE THE
6 PERSONALLY IDENTIFYING INFORMATION TO THE PEACE OFFICER AWAY
7 FROM THE PASSENGERS.

8 (5) AS USED IN THIS SECTION, "PERSONALLY IDENTIFYING
9 INFORMATION" INCLUDES ANY OF THE FOLLOWING:

10 (a) A PASSPORT;

11 (b) A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY
12 ANOTHER STATE OR COUNTRY;

13 (c) THE PERSON'S NAME AND BIRTH DATE; OR

14 (d) ANY OTHER IDENTIFYING INFORMATION AS PART OF A
15 REASONABLE ATTEMPT TO COMMUNICATE THE PERSON'S IDENTITY TO A
16 PEACE OFFICER."

17 Page 1, line 102 strike "INCREASING THE" and substitute "REQUIRING A
18 DRIVER TO PROVIDE IDENTIFYING INFORMATION TO A PEACE OFFICER
19 UPON REQUEST."

20 Page 1, strike lines 103 through 105.

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