



H.B. 151

126th General Assembly
(As Introduced)

**Reps. Calvert, McGregor, C. Evans, Wagner, Latta, Aslanides, Hartnett,
Kearns, Buehrer**

BILL SUMMARY

- Permits a law enforcement officer to stop any person in a public place if the officer reasonably suspects the person is committing, has committed, or is about to commit a criminal offense and permits the officer to demand the person's name and address and an explanation of the person's actions.
- Provides that if a person, who is stopped as described in the preceding dot point, fails to provide the requested information the person is guilty of the offense of "failure to disclose one's personal information."

CONTENT AND OPERATION

Failure to disclose one's personal information

The bill permits a law enforcement officer to stop any person in a public place if the officer reasonably suspects the person is committing, has committed, or is about to commit a criminal offense. A law enforcement officer who stops a person under those circumstances may demand the person's name and address and an explanation of the person's actions.

If a person fails to provide the person's name and address and an explanation of the person's actions to the stopping law enforcement officer, the bill specifies that the person is guilty of the new offense of "failure to disclose one's personal information." Generally, failure to disclose one's personal information is a misdemeanor of the second degree. However, if in refusing to provide the person's name and address and an explanation of the person's actions, the person creates a risk of physical harm to any person, failure to disclose one's personal information is a felony of the fifth degree. (R.C. 2921.29.)

COMMENT

In *Hiibel v. Sixth Judicial District Court*, 124 S. Ct. 2451 (2004), the U.S. Supreme Court held that a Nevada statute that requires a suspect to provide his or her name to law enforcement does not violate the U.S. Constitution's Fourth Amendment prohibition against unlawful searches nor the Fifth Amendment right against self-incrimination (at least in this specific case). The Nevada statute specifies the following (N.R.S. 171.123):

(1) Any peace officer may detain any person whom the officer encounters under circumstances which reasonably indicate that the person has committed, is committing, or is about to commit a crime.

(2) Any peace officer may detain any person the officer encounters under circumstances which reasonably indicate that the person has violated or is violating the conditions of his parole or probation.

(3) The officer may detain the person pursuant to this section only to ascertain his identity and the suspicious circumstances surrounding his presence abroad. *Any person so detained shall identify himself, but may not be compelled to answer any other inquiry of any peace officer.*

(4) A person must not be detained longer than is reasonably necessary to effect the purposes of this section, and in no event longer than 60 minutes. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected, unless the person is arrested.

While this statute has no specific penalty attached to it, the defendant was convicted of the misdemeanor offense of resisting a public officer because of his refusal to comply with the italicized language, above.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-24-05	p. 354

H0151-I-126.doc/jc