

# ADA ELLIOTT - CONCEALING ID - DELAY

A UNM police officer saw a Dodge pickup with a camper shell parked on UNM property. A permit was required to park there but the vehicle had neither a license plate nor a UNM parking sticker. She saw Defendant in the camper, lying in bed reading.

She asked Defendant for ID but he refused. Her Sergeant came to assist but Defendant would only give his last name. A third officer came and Defendant finally gave his full name. In addition to criminal trespass, Defendant was also charged with concealing ID.

Defendant challenged his concealing ID conviction. NMSA 1978, Section 30-22-3 prohibits "concealing one's true name or identity." Defendant argued the statute only applied if one gave a false name. He stated he did give his true name although it took awhile (three officers!) to do it. But is delay in giving ID the same as concealing ID?

Court of Appeals said yes. The Court held that Section 30-22-3 requires a person to furnish identifying information immediately upon request or, if the person has reasonable concerns about the validity of the request, so soon thereafter as not to cause any "substantial inconvenience or expense to the police." One can take a few moments to consider the consequences of refusal to identify oneself but it has to be brief. The delay cannot serve to "hinder" or "interrupt" police officers. State v. Dawson (1999).

