

AN ACT

relating to certain criminal offenses related to highways and motor vehicles; creating a criminal offense; increasing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.03, Penal Code, is amended by amending Subsection (c) and adding Subsections (d), (e), and (f) to read as follows:

(c) Except as otherwise provided by Subsections (d) and (e), an [An] offense under this section is a Class B misdemeanor.

(d) Subject to Subsection (e), an offense under this section is a Class A misdemeanor if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition.

(e) An offense under this section is a state jail felony if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition, and:

(1) the person has previously been convicted of an offense punishable under Subsection (d);

(2) at the time of the offense, the person was operating a motor vehicle while intoxicated, as defined by Section 49.01; or

(3) a person suffered bodily injury as a result of the

1 offense.

2 (f) For purposes of this section, "reckless driving  
3 exhibition" means an operator of a motor vehicle, on a highway or  
4 street and in the presence of two or more persons assembled for the  
5 purpose of spectating the conduct, intentionally:

- 6 (1) breaking the traction of the vehicle's rear tires;  
7 (2) spinning the vehicle's rear tires continuously by  
8 pressing the accelerator and increasing the engine speed; and  
9 (3) steering the vehicle in a manner designed to  
10 rotate the vehicle.

11 SECTION 2. Subchapter I, Chapter 545, Transportation Code,  
12 is amended by adding Section 545.4205 to read as follows:

13 Sec. 545.4205. INTERFERENCE WITH PEACE OFFICER  
14 INVESTIGATION OF HIGHWAY RACING OR RECKLESS DRIVING EXHIBITION;  
15 CRIMINAL OFFENSE. (a) A person commits an offense if the person  
16 uses the person's body, a car, or a barricade to knowingly impede or  
17 otherwise interfere with a peace officer's investigation of conduct  
18 prohibited under Section 545.420 or a reckless driving exhibition,  
19 as defined by Section 42.03, Penal Code.

20 (b) An offense under this section is a Class B misdemeanor.

21 (c) If conduct constituting an offense under this section  
22 also constitutes an offense under any other law, the actor may be  
23 prosecuted under this section, the other law, or both.

24 SECTION 3. The changes in law made by this Act apply only to  
25 an offense committed on or after the effective date of this Act. An  
26 offense committed before the effective date of this Act is governed  
27 by the law in effect when the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this  
2 section, an offense was committed before the effective date of this  
3 Act if any element of the offense occurred before that date.

4 SECTION 4. This Act takes effect September 1, 2021.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1495 passed the Senate on April 28, 2021, by the following vote: Yeas 26, Nays 5; and that the Senate concurred in House amendment on May 30, 2021, by the following vote: Yeas 25, Nays 6.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1495 passed the House, with amendment, on May 26, 2021, by the following vote: Yeas 136, Nays 11, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor