

BILL ANALYSIS

Senate Research Center

H.B. 1326
By: Martinez Fischer (Whitmire)
Criminal Justice
5/18/2003
Engrossed

DIGEST AND PURPOSE

Existing law prohibits racing and the exhibition of speed and provides a misdemeanor penalty with a maximum fine of \$200. It is the opinion of many Texas cities, some of which have attempted to address this problem through education campaigns and enforcement of existing laws, that increasing the penalty for racing will be more effective in decreasing this behavior. H.B. 1326 increases the penalty for racing to a Class B misdemeanor; allows for the citation of spectators; requires driver's license suspensions; and compels a person convicted of racing to complete an educational program to be developed by the Texas Education Agency.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 545.420, Transportation Code, by amending Subsection (a) and adding Subsections (c)-(h), as follows:

- (a) Prohibits a person from participating in any manner in connection with a drag race, an exhibition of vehicle speed or acceleration or to make a vehicle speed record.
- (c) Provides that a person commits an offense if, after traveling to a location with the intent of being a spectator, the person attends as a spectator a race, competition, contest, test, or exhibition prohibited by Subsection (a). Provides that an offense under this subsection is a Class C misdemeanor.
- (d) Provides that except as provided by Subsections (e)-(h), an offense under Subsection (a) is a Class B misdemeanor.
- (e) Provides that an offense under Subsection (a) is a Class A misdemeanor if it is shown on the trial of the offense that the person has previously been convicted one time of an offense under that subsection; or the person, at the time of the offense was operating the vehicle while intoxicated, as defined by Section 49.01 (Definitions), Penal Code; or was in possession of an open container, as defined by Section 49.031 (Possession of Alcoholic Beverage Offenses), Penal Code.
- (f) Specifies that an offense under Subsection (a) is a state jail felony if it is shown on the trial of the offense that the person has previously been convicted two times of an offense under that subsection.
- (g) Establishes that an offense under Subsection (a) is a felony of the third degree if it is shown on the trial of the offense that as a result of the offense, an individual suffered bodily injury.

(h) Provides that an offense under Subsection (a) is a felony of the second degree if it is shown on the trial of the offense that as a result of the offense, an individual suffered serious bodily injury or death.

SECTION 2. Amends Subchapter O, Chapter 521, Transportation Code, by adding Section 521.350, as follows:

Sec. 521.350. SUSPENSION FOR OFFENSE RELATING TO RACING OF MOTOR VEHICLE ON PUBLIC HIGHWAY OR STREET. (a) Establishes that a license is automatically suspended on conviction of an offense under Section 545.420(a).

(b) Provides that a suspension under this section is for one year, except as provided by this section.

(c) Provides that a person whose license is suspended under Subsection (a) remains eligible to receive an occupational license under Subchapter L, except that an occupational license issued to a person younger than 18 years of age whose license is suspended under this section may permit the operation of a motor vehicle only for transportation to and from an educational facility in which the person is enrolled and the place where the person resides.

(d) Requires a person whose license is suspended under Subsection (a) to be required by the court in which the person was convicted to perform at least 100 hours of community service as ordered by the court. Requires the court, if the person is a resident of this state without a driver's license to operate a motor vehicle, to issue an order prohibiting the Texas Department of Public Safety (DPS) from issuing the person a driver's license before the person completes the community service. Provides that a community service required under this subsection is in addition to any community service required of the person as a condition of community supervision under Section 16, Article 42.12 (Finding That Controlled Substance Used to Commit Offense), Code of Criminal Procedure.

(e) Authorizes the person, if a person who is required to perform community service under Subsection (d) completes that community service before the end of the person's license suspension, to apply to DPS for reinstatement of the person's license or the issuance of a new license. Requires the application to include proof satisfactory to DPS that the person has performed the community service.

(f) Requires DPS, if a person whose license is suspended under this section is subsequently convicted of an offense under Section 521.457(a) during the period of license suspension, in addition to the penalties provided by Section 521.457, to revoke the person's license until the first anniversary of the date of conviction and prohibits DPS from reinstating the person's license or issuing the person a new license before that date.

SECTION 3. (a) Effective date: September 1, 2003.

(b) and (c) Make application of this Act prospective.