

## **BILL ANALYSIS**

H.B. 369  
By: Farabee  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Transportation Code 545.420 provides that racing on public highways carries penalties ranging from a Class B misdemeanor to a second degree felony. Section 51.03 of the Family Code, which defines “delinquent conduct,” excludes traffic offenses from being considered as such. Because traffic offenses are not included under Section 51.03 of the Family Code, violators of Section 545.420 of the Transportation Code cannot be dealt with under the Juvenile Justice System. H.B. 369 provides that racing on a public highway is within the definition of “delinquent conduct,” thus juvenile offenders can be processed by the Juvenile Justice System.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 42, Penal Code, by adding Section 42.045 for RACING ON PUBLIC HIGHWAY. Subsection (a) provides language that defines “Drag race,” “Motor vehicle,” “Public highway,” and “Race.”

- (b) Limits application of this Act to conduct that occurs on public highways in this state.
- (c) Prohibits participation in any manner in various forms of racing
- (d) Provides language that deems an offense under Subsection (c) as a Class B misdemeanor, except as provided under Subsections (e) - (h).
- (e) Provides language that makes an offense under Subsection (c) as a Class A misdemeanor if it is shown on the trial of the offense that the person has been convicted one time of an offense under that subsection or under Section 545.20 (a), Transportation Code, as that law existed before September 1, 2005 or at the time of the offense was in violation of Section 49.031 or 49.04.
- (f) Provides language that makes an offense under Subsection (c) a state jail felony if it is shown on trial of the offense that the person has previously been convicted two times of an offense under that subsection or under Section 545.420 (a), Transportation Code, as that law existed before September 1, 2000.
- (g) Provides language that makes an offense under Subsection (c) 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 language that makes an offense under Subsection (c) 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 Section 521.350 (a), Transportation Code, to read as follows: a license is automatically suspended on conviction of an offense under Section 42.045, Penal Code.

SECTION 3. Repeals Section 545.20, Transportation Code.

SECTION 4. Makes application of this Act prospective to September 1, 2005.

SECTION 5. Effective Date September 1, 2005.

**EFFECTIVE DATE**

September 1, 2005.