

## **BILL ANALYSIS**

C.S.H.B. 1216  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Reckless driving can have serious consequences that jeopardize the safety of public roadways in Texas. The current range of punishment for reckless driving is a fine of up to \$200, confinement in county jail for up to 30 days, or both the fine and confinement. Interested parties believe that the penalties for reckless driving should be increased to more fairly reflect the various conduct that may constitute the offense and to deter egregious, reckless driving that endangers the public. In an effort to increase the safety of Texas roads, C.S.H.B. 1216 increases the penalty for reckless driving to a Class B misdemeanor.

### **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**

C.S.H.B. 1216 amends the Transportation Code to increase the penalty for the offense of reckless driving from a misdemeanor punishable by a maximum \$200 fine, maximum 30-day term of confinement in county jail, or both the fine and the confinement, to a Class B misdemeanor. The bill authorizes a court to order that the driver's license of a person convicted of such an offense be suspended for not less than 30 or more than 180 days beginning on the date of conviction and to require the person to attend and present proof that the person successfully completed an approved driving safety course before the person's driver's license may be reinstated.

C.S.H.B. 1216 authorizes a judge who elects to place a defendant charged with a reckless driving offense on community supervision to require the defendant to attend and present proof that the defendant successfully completed an approved driving safety course. The bill authorizes a person subject to prosecution for reckless driving and another offense to be prosecuted for either offense or both offenses.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1216 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 545.401(b), Transportation Code, is amended to read as follows:

- (b) An offense under this section is a misdemeanor punishable by:
  - (1) a fine not to exceed \$1,000 [\$200];
  - (2) confinement in county jail for not more than 90 [30] days; or
  - (3) both the fine and the confinement.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. This Act may be cited as the Sarah Elizabeth Laws Memorial Act.

SECTION 2. Section 545.401, Transportation Code, is amended by amending Subsection (b) and adding Subsections (e), (f), and (g) to read as follows:

- (b) An offense under this section is a Class B misdemeanor ~~punishable by:~~
  - ~~(1) a fine not to exceed \$200;~~
  - ~~(2) confinement in county jail for not more than 30 days; or~~
  - ~~(3) both the fine and the confinement].~~
- (e) The court may:
  - (1) order that the driver's license of a person convicted of an offense under Subsection (a) be suspended for not less than 30 days or more than 180 days beginning on the date of conviction; and
  - (2) require the person to attend and present proof that the person successfully completed a driving safety course approved under Chapter 1001, Education Code, before the person's driver's license may be reinstated.
- (f) A judge, acting under Article 42.12, Code of Criminal Procedure, who elects to place a defendant charged with an offense under Subsection (a) on community supervision under that article may require the defendant to attend and present proof that the defendant successfully completed a driving safety course approved under Chapter 1001, Education Code.
- (g) A person who is subject to prosecution under both this section and another section of this or any other code may be prosecuted under either or both sections.

SECTION 3. Same as introduced version.

SECTION 3. This Act takes effect  
September 1, 2013.

SECTION 4. Same as introduced version.