

BILL ANALYSIS

S.B. 275
By: Watson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The penalty for failure to stop and render aid (third degree felony) is lower than the penalty for intoxication manslaughter (second degree felony), despite the fact that a failure to stop and render aid can lead to the victim's death. Often, alcohol is a factor, and people know to leave the scene of the accident to avoid intoxication-related charges.

S.B. 275 enhances the penalty cited in Section 550.021 (Accident Involving Personal Injury or Death), Transportation Code, from a third degree felony to a second degree felony, thus making the punishment for hit and run fatalities the same as for intoxication manslaughter.

A second degree felony carries a punishment of two to 20 years in prison and an optional fine not to exceed \$10,000, whereas a third degree felony carries a penalty of two to 10 years in prison and an optional fine not to exceed \$10,000.

The Texas Police Chiefs Association and the major city chiefs of police (Dallas, Austin, El Paso, Fort Worth, Houston, Arlington, and San Antonio) have made failure to stop and render aid one of their top five issues this session.

As proposed, S.B. 275 amends current law relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 550.021(c), Transportation Code, as follows:

(c) Provides that a person commits an offense if the person does not stop or does not comply with the requirements of this section. Provides that an offense under this section involving an accident resulting in death of a person is a felony of the second degree, or, involving an accident resulting in serious bodily injury, as defined by Section 1.07 (Definitions), Penal Code, to a person is a felony of the third degree.

SECTION 2. Makes application of this Act prospective.

EFFECTIVE DATE

Effective date: September 1, 2013.