

BILL ANALYSIS

H.B. 2081
By: Reynolds
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recent analysis from the Governors Highway Safety Association estimates that pedestrian deaths have steadily increased over the past few years, recording the highest number in more than three decades, while the deaths of motorists have remained essentially unchanged. Unfortunately, the analysis underscores a historic reversal that has troubled safety experts, leading to calls for the legislature to enact legislation seeking to reduce vehicle accidents involving pedestrians. H.B. 2081 seeks to address this issue by creating a Class A misdemeanor offense for a driver who injures a pedestrian or certain other vulnerable road users within the area of a crosswalk.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2081 amends the Transportation Code to create a Class A misdemeanor offense for a person who does the following with criminal negligence:

- operates a motor vehicle within the area of a crosswalk; and
- causes bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart.

The bill enhances the penalty for the offense to a state jail felony if the victim suffered serious bodily injury. The bill establishes as an affirmative defense to prosecution for the offense that the person suffering bodily injury was violating rules of the road relating to walking, movement, or operation in a crosswalk or on a roadway. If conduct constituting the bill's offense also constitutes an offense under any other law, the actor may be prosecuted under the bill's provisions, the other law, or both.

EFFECTIVE DATE

September 1, 2021.