

BILL ANALYSIS

Senate Research Center

S.B. 1495
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Street racing and street takeovers are deadly phenomena that have taken over the state in recent years. These events have been reported across the state in both rural and urban areas and have left police departments struggling to find a way to address them. The growth of these events has led to increased death numbers by motor vehicles and puts not only participants at risk, but also spectators and the general public who happen to be near them.

During these events, participants use public roads and areas to put on dangerous and reckless acts of drifting and high speed racing. In many instances, spectators not only encourage the events by their attendance, but play an integral role by using their cars and even bodies as barricades to impede police officer intervention.

S.B. 1495 would add the definition of "reckless driving exhibition" into Section 42.03, Penal Code. Under S.B. 1495, any person who knowingly attends or assists in preparation for a "reckless driving exhibition" or street racing event would be committing a Class C misdemeanor. Additionally, this bill enhances the misdemeanor penalties for anyone who participates in the reckless driving at such events. These actions will help police departments crack down on reckless driving exhibitions and deter future events that will endanger the public.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1495 amends current law relating to certain criminal offenses related to highways and motor vehicles, creates a criminal offense, and increases a criminal penalty.

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 42.03, Penal Code, by amending Subsection (c) and adding Subsections (d), (e), and (f), as follows:

(c) Creates exceptions as provided by Subsections (d) and (e), to the provision making an offense under Section 42.03 (Obstructing Highway or Other Passageway) a Class B misdemeanor.

(d) Provides that, subject to Subsection (e), an offense under Section 42.03 is a Class A misdemeanor if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition.

(e) Provides that an offense under Section 42.03 is a state jail felony if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition, and:

(1) the person has previously been convicted of an offense punishable under Subsection (d);

(2) at the time of the offense, the person was operating a motor vehicle while intoxicated, as defined by Section 49.01 (Definitions); or

(3) a person suffered bodily injury as a result of the offense.

(f) Defines "reckless driving exhibition."

SECTION 2. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.4205, as follows:

Sec. 545.4205. INTERFERENCE WITH PEACE OFFICER INVESTIGATION OF HIGHWAY RACING OR RECKLESS DRIVING EXHIBITION; CRIMINAL OFFENSE. (a) Provides that a person commits an offense if the person uses the person's body, a car, or a barricade to knowingly impede or otherwise interfere with a peace officer's investigation of conduct prohibited under Section 545.420 (Racing on Highway) or a reckless driving exhibition, as defined by Section 42.03, Penal Code.

(b) Provides that an offense under this section is a Class B misdemeanor.

(c) Provides that, if conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.