87R2763 MEW-D

By:  Price H.B. No. 1265

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of obstructing or interfering with a first responder or an emergency vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 42, Penal Code, is amended by adding Section 42.063 to read as follows:

Sec. 42.063.  OBSTRUCTING OR INTERFERING WITH FIRST RESPONDER OR EMERGENCY VEHICLE. (a) In this section:

(1)  "Authorized emergency vehicle" has the meaning assigned by Section 541.201, Transportation Code.

(2)  "First responder" has the meaning assigned by Section 421.095, Government Code.

(b)  A person commits an offense if the person recklessly obstructs or interferes with:

(1)  a first responder's ability to render aid at the scene of an emergency to a person who is suffering serious bodily injury; or

(2)  the passage of an authorized emergency vehicle that is operating the vehicle's siren or emergency lighting system to or from the scene of an emergency where a person is suffering serious bodily injury.

(c)  An offense under this section is a state jail felony, except that the offense is a third degree felony if it is shown on the trial of the offense that a person suffers death as a result of the offense.

(d)  For purposes of Subsection (b)(1), the actor is presumed to have known a person is a first responder if the person was wearing a distinctive uniform or badge indicating the person's employment or duties as a first responder.

(e)  If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

SECTION 2.  This Act takes effect September 1, 2021.