By:  Huffman, Zaffirini S.B. No. 1495

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal offenses related to highways and motor vehicles; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1.  Section 42.03, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  An offense under this section is a Class B misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the offense was committed in furtherance of:

(1)  an offense under Section 545.420, Transportation Code; or

(2)  a reckless driving exhibition.

(d)  For purposes of this section, "reckless driving exhibition" means an operator of a motor vehicle intentionally:

(1)  breaking the traction of the vehicle's rear tires;

(2)  spinning the vehicle's rear tires continuously by pressing the accelerator and increasing the engine speed; and

(3)  steering the vehicle in a manner designed to rotate the vehicle.

SECTION 2.  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 of not less than $1,000 or more than $4,000 [~~not to exceed $200~~];

(2)  confinement in [~~county~~] jail for a term not to exceed one year [~~not more than 30 days~~]; or

(3)  both the fine and the confinement.

SECTION 3.  Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.4205 to read as follows:

Sec. 545.4205.  INTERFERENCE WITH PEACE OFFICER INVESTIGATION OF RECKLESS DRIVING EXHIBITION; CRIMINAL OFFENSE. (a) A person commits an offense if they use their body, a car, or a barricade to knowingly impede or otherwise interfere with a peace officer's investigation of an exhibition of conduct prohibited under Section 545.420 or a reckless driving exhibition, as defined by Section 42.03, Penal Code.

(b)  An offense under this section is a Class B misdemeanor.

(c)  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 4.  The changes in law made by this Act apply 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 governed 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 occurred before that date.

SECTION 5.  This Act takes effect September 1, 2021.