By:  Huffman S.B. No. 1495

(In the Senate - Filed March 11, 2021; March 24, 2021, read first time and referred to Committee on Criminal Justice; April 21, 2021, reported favorably by the following vote: Yeas 7, Nays 0; April 21, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols         X

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.  SPECTATOR OF RECKLESS DRIVING EXHIBITION OR RACING ON A HIGHWAY PROHIBITED; CRIMINAL OFFENSE. (a) A person commits an offense if the person knowingly attends as a spectator:

(1)  an exhibition of conduct prohibited under Section 545.420 or a reckless driving exhibition, as defined by Section 42.03, Penal Code; or

(2)  preparations for an event described by Subdivision (1).

(b)  For the purposes of Subsection (a), a person is present at an exhibition if the person is in proximity to the exhibition or preparations for an exhibition.

(c)  An offense under this section is a Class C misdemeanor punishable by a fine not to exceed $500.

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.

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