

## **BILL ANALYSIS**

H.B. 1442  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Street racing and street takeovers are deadly phenomena that have taken over Texas in recent years. These events have been reported in both rural and urban areas and have left police departments struggling to find a way to address them. There is a risk of fatalities associated with these events, which put not only participants at risk, but also spectators and members of 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. Last session, the legislature took an important step in addressing this issue by passing S.B. 1495, which expanded the offense of obstructing a highway or passageway to include engaging in a reckless driving exhibition. Unfortunately, the enforcement provision of the bill was unclear. H.B. 1442 seeks to remedy that lack of clarity by making certain changes relating to the enforcement of the reckless driving exhibition provisions created by S.B. 1495 last session.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 1442 amends the Penal Code to expand the conduct that constitutes the offense of engaging in organized criminal activity to include committing or conspiring to commit the offense of obstructing a highway or passageway by engaging in a reckless driving exhibition as the operator of the motor vehicle with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang. The bill establishes that an actor may be prosecuted for conduct that constitutes the offense of obstructing a highway or passageway or another applicable offense under either offense but prohibits prosecution for such conduct under both offenses.

H.B. 1442 amends the Code of Criminal Procedure to subject to criminal asset forfeiture property of any nature that is used or intended to be used in the commission of the offense of obstructing a highway or passageway by engaging in a reckless driving exhibition.

H.B. 1442 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

**EFFECTIVE DATE**

September 1, 2023.