

BILL ANALYSIS

Senate Research Center
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S.B. 2799
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law gives prosecutors very few tools to fairly address reckless driving cases that accurately reflects the harm they do. The lack of options can result in reckless driving "accident" offenders being charged with the same felony offense as an offender who intentionally runs a victim over with a vehicle.

Prosecutors have only two choices in how to prosecute reckless driving incidents that result in serious bodily injury. These two choices exist on dramatically opposite ends of the spectrum. On one end, there is misdemeanor "reckless driving" with a maximum of a \$200 fine and no more than 30 days in jail. Alternatively, a second degree felony "aggravated assault with a deadly weapon" or by "causing serious bodily injury" bearing a maximum \$10,000 fine and 20 years in prison. There is no class A or B misdemeanor, no state jail felony, and no third degree felony charges available in between. This lack of options causes an "under-charging/over-charging" dilemma that prevents fair prosecution for the defendant and the victim.

S.B. 2799 addresses this gap in the Penal Code by creating a framework of graduating charges depending on the severity of the reckless driving offense. Specifically, reckless driving resulting in no "bodily injury" or "serious bodily injury" remains a hybrid, Class B misdemeanor as it is under current law. If it is shown at trial that the offense of reckless driving resulted in another person suffering "bodily injury" the penalty is raised to a state jail felony punishment. If it is shown at trial that the offense of reckless driving caused another person to suffer "serious bodily injury" the penalty is raised to a third degree felony.

S.B. 2799 is necessary to give prosecutors and law enforcement the tools needed to charge and prosecute these types of offenses based on level of severity to ensure justice for both victims and defendants.

As proposed, S.B. 2799 amends current law relating to increasing the criminal penalty for the offense of reckless driving.

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 545.401, Transportation Code, by amending Subsection (b) and adding Subsections (b-1), (e), and (f), as follows:

(b) Provides that an offense under Section 545.401 (Reckless Driving; Offense), subject to Subsection (b-1), is a misdemeanor punishable by a fine not to exceed \$200, confinement in county jail for not more than 30 days, or both the fine and the confinement. Makes a nonsubstantive change.

(b-1) Provides that an offense under this section, notwithstanding Subsection (b), is a state jail felony if it is shown on the trial of the offense that another person suffered bodily injury as a result of the offense and a felony of the third degree if it is shown on

the trial of the offense that another person suffered serious bodily injury as a result of the offense.

(e) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

(f) Defines "bodily injury" and "serious bodily injury."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.