

BILL ANALYSIS

C.S.S.B. 1495
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Street racing and street takeovers are deadly phenomena that have seen a dramatic rise across the state 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 combat them. The growth of these events has led to increased deaths by motor vehicles and puts not only participants at risk, but also spectators and 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. C.S.S.B. 1495 seeks to address these events by enhancing penalties for obstructing a highway or passageway and by creating an offense for a person who interferes with a peace officer's investigation of a highway racing offense or a reckless driving exhibition.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

C.S.S.B. 1495 amends the Penal Code to enhance the penalty for the offense of obstructing a highway or other passageway from a Class B misdemeanor to a Class A misdemeanor if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition. The bill enhances the penalty to a state jail felony if it is shown on the trial of the offense that, at the time of the offense, the person was operating a motor vehicle while engaging in a reckless driving exhibition coupled with any of the following circumstances:

- the person has previously been convicted of an offense punishable as that enhanced Class A misdemeanor;
- at the time of the offense, the person was operating a motor vehicle while intoxicated;
or
- a person suffered bodily injury as a result of the offense.

The bill defines "reckless driving exhibition" as an operator of a motor vehicle, on a highway or street and in the presence of two or more persons assembled for the purpose of spectating the conduct, intentionally breaking the traction of the vehicle's rear tires, spinning the vehicle's rear tires continuously by pressing the accelerator and increasing the engine speed, and steering the vehicle in a manner designed to rotate the vehicle.

C.S.S.B. 1495 amends the Transportation Code to create a Class B misdemeanor offense for a person who uses their body, a car, or a barricade to knowingly impede or otherwise interfere with a peace officer's investigation of conduct constituting a highway racing offense or a reckless driving exhibition. If conduct constituting the interference offense also constitutes an offense under any other law, the actor may be prosecuted under provisions relating to the interference offense, the other law, or both.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1495 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and substitute provide penalty enhancements for the offense of obstructing a highway or other passageway with regard to a reckless driving exhibition, the engrossed enhanced the penalty to a state jail felony if the offense was committed in furtherance of a highway racing offense or a reckless driving exhibition, whereas the substitute provides a Class A misdemeanor enhancement if the person was operating a motor vehicle while engaging in a reckless driving exhibition at the time of the offense and a state jail felony enhancement for that conduct under certain additional circumstances.

The substitute changes the definition of "reckless driving exhibition" included in the engrossed by specifying that the exhibition occurs on a highway or street and in the presence of two or more persons assembled for the purpose of spectating the conduct.

The substitute does not include a provision that appeared in the engrossed increasing the fine and confinement associated with a reckless driving offense from a maximum fine of \$200 and confinement in county jail for a maximum of 30 days to a fine ranging from \$1,000 to \$4,000 and confinement in jail for a maximum term of one year.