

SUBJECT: Requiring confinement for those who left the scene of a fatal car accident

COMMITTEE: Corrections — favorable, without amendment

VOTE: 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman,
Stephenson

0 nays

WITNESSES: For — Jack Roady, Galveston County District Attorney; David Wood;
(*Registered, but did not testify*: Amy Meredith, Travis County District
Attorney)

Against — None

On — (*Registered, but did not testify*: Laurie Pherigo)

BACKGROUND: Transportation Code sec. 550.021 requires that operators of vehicles
involved in accidents that result or are reasonably likely to result in the
injury to or death of a person:

- immediately stop the vehicle at the scene of the accident or as close to the scene as possible;
- immediately return to the scene of the accident if the vehicle is not stopped at the scene of the accident;
- immediately determine whether a person is involved in the accident and whether aid is required; and
- remain at the scene of the accident to provide certain information and aid as needed.

Failure to stop or comply with these requirements for such accidents involving the death of a person is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000).

Some note differences in how courts punish defendants who are granted

community supervision for different offenses involving the operation of a vehicle resulting in a person's death. For example, defendants granted community supervision for the offense of intoxication manslaughter must submit to confinement as a condition of community supervision, but defendants granted community supervision for leaving the scene of an accident that results in a death are not required to submit to a similar period of confinement.

DIGEST: HB 2502 would require judges who granted community supervision to an individual convicted of leaving the scene of a vehicle accident that resulted in a person's death to submit that individual to a term of confinement of at least 120 days as a condition of community supervision.

The bill would specify that if a defendant's community supervision was revoked and a sentence of confinement was imposed, the term of confinement served as a condition of community supervision could not be credited toward the completion of the sentence imposed.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.