

BILL ANALYSIS

Senate Research Center
87R11913 AJZ-D

S.B. 1495
By: Huffman
Criminal Justice
4/7/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Street racing and street takeovers are deadly phenomena that have taken over the state in recent years. These events have been reported across the state in both rural and urban areas and have left police departments struggling to find a way to address them. The growth of these events has led to increased death numbers 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.

S.B. 1495 would add the definition of "reckless driving exhibition" into Section 42.03, Penal Code. Under S.B. 1495, any person who knowingly attends or assists in preparation for a "reckless driving exhibition" or street racing event would be committing a Class C misdemeanor. Additionally, this bill enhances the misdemeanor penalties for anyone who participates in the reckless driving at such events. These actions will help police departments crack down on reckless driving exhibitions and deter future events that will endanger the public.

As proposed, S.B. 1495 amends current law relating to certain criminal offenses related to highways and motor vehicles; creates a criminal offense; and increases a criminal penalty.

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 42.03, Penal Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Provides that an offense under Section 42.03 (Obstructing Highway or Other Passageway) 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 an offense under Section 545.420 (Racing on Highway), Transportation Code, or a reckless driving exhibition.

(d) Defines "reckless driving exhibition."

SECTION 2. Amends Section 545.401(b), Transportation Code, as follows:

(b) Provides that an offense under Section 545.401 (Reckless Driving; Offense) is a misdemeanor punishable by:

(1) a fine of not less than \$1,000 or more than \$4,000, rather than a fine not to exceed \$200;

(2) confinement in jail for a term not to exceed one year, rather than confinement in county jail for not more than 30 days; or

(3) makes no changes to this subdivision.

SECTION 3. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.4205, as follows:

Sec. 545.4205. SPECTATOR OF RECKLESS DRIVING EXHIBITION OR RACING ON A HIGHWAY PROHIBITED; CRIMINAL OFFENSE. (a) Provides that 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) Provides that, 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) Provides that an offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$500.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2021.