

SUBJECT: Penalty for the offense of reckless driving

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — Pickett, Fletcher, Cortez, Dale, Flynn, Kleinschmidt, Lavender, Sheets, Simmons
0 nays

WITNESSES: For — Teresa Clingman and Ralph Petty, Midland District Attorney's Office
Against — None

BACKGROUND: Transportation Code, sec. 545.401, makes it an offense for a person to drive a vehicle in willful or wanton disregard for the safety of person or property. The offense is a misdemeanor punishable by a fine not to exceed \$200, confinement in county jail for not more than 30 days, or both.

DIGEST: CSHB 1216 would make reckless driving a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000). It also would allow a trial court to suspend the driver's license of a person convicted of reckless driving for a period ranging from 30 days to 180 days. A court also could require that a person convicted of reckless driving complete a driving safety course as a condition for reinstatement of a suspended driver's license.

If a judge placed a person convicted of reckless driving on community supervision, he or she could require that the person complete a driving safety course.

A person who would be subject to prosecution under both this bill and other law could be prosecuted under either or both.

The bill would take effect September 1, 2013, and would apply only to an offense committed on or after that date.

SUPPORTERS
SAY:

CSSH 1216 would clean up the reckless driving statute by enhancing it to a class B misdemeanor. It also would grant judges more flexibility in how they address reckless driving by allowing them to suspend the driver's license of offenders and to require driving safety courses before reinstating a license.

These alternative treatments proposed in the bill are necessary because county jails are too often full, and persons convicted of reckless driving are not serving out their sentences. Suspending licenses and requiring driver's safety courses would be more appropriate treatments that would better address the crime and prevent it from occurring again in the future. In addition, these approaches would save taxpayers the cost of incarcerating many reckless driving offenders.

CSSH 1216 would give judges the option of license suspension. This would not be the best approach in all cases, and judges would retain discretion to impose it where appropriate.

In addition, a person with a suspended license still would be in the community, which would allow them to continue working and interacting with their families.

OPPONENTS
SAY:

Driver's license suspension is not a cure-all criminal sanction. It affects the families and dependents of the offender. Texas has a car culture, and most parts of the state are poorly served by public transit, which makes it difficult for people who cannot legally drive to get to work and deliver children to school. While incarceration provides the same difficulties, at least that sanction is for a finite, definite period. HB 1216 would place no limit on how long a license could be suspended, which would place affected people in transportation limbo.