

BILL ANALYSIS

Senate Research Center
87R13234 MEW-F

H.B. 9
By: Klick et al. (Campbell)
Criminal Justice
5/15/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2020, demonstrations took place across the country, including Texas, aimed at law enforcement and law enforcement policies. While many demonstrations were peaceful, elements of others were not. For example, in one instance two law enforcement officers had been shot in an unrelated event and access to the hospital was purposely blocked by protestors.

Had this occurred in Texas, the individuals could have been charged with obstructing a highway or passageway, which is punishable by a Class B misdemeanor. This penalty is inadequate compared to the severity of the crime.

H.B. 9 would make intentionally, knowingly, or recklessly blocking an emergency vehicle operating its emergency lights or siren or a hospital entrance a state jail felony. Additionally, this bill will require as a condition of community supervision that a person serve no fewer than 10 days in jail. With steeper penalties, H.B. 9 seeks to protect access to emergency services used by officers and the public.

H.B. 9 amends current law relating to the criminal punishment and conditions of community supervision for the offense of obstructing a highway or other passageway 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 Subchapter K, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.517, as follows:

Art. 42A.517. COMMUNITY SUPERVISION FOR CERTAIN OFFENSES INVOLVING OBSTRUCTION OF HIGHWAY OR OTHER PASSAGEWAY. Requires that a court granting community supervision to a defendant convicted of an offense punishable as a state jail felony under Section 42.03 (Obstructing Highway or Other Passageway), Penal Code, require as a condition of community supervision that the defendant submit to not less than 10 days of confinement in a county jail.

SECTION 2. Amends Section 42.03(c), Penal Code, as follows:

(c) Provides that an offense under Section 42.03 is a Class B misdemeanor, except that the offense is a state jail felony if, in committing the offense, the actor knowingly:

(1) prevents the passage of an authorized emergency vehicle, as defined by Section 541.201 (Vehicles), Transportation Code, that is operating the vehicle's emergency audible or visual signals required by Section 546.003 (Audible or Visual Signals Required), Transportation Code; or

(2) obstructs access to a hospital licensed under Chapter 241 (Hospitals), Health and Safety Code, or other health care facility that provides emergency medical care, as defined by Section 773.003 (Definitions), Health and Safety Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.