

- SUBJECT:** Increasing the penalty for reckless driving
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 10 ayes — Phillips, Martinez, Burkett, Y. Davis, Fletcher, Guerra, Harper-Brown, Lavender, Pickett, Riddle
- 0 nays
- 1 absent — McClendon
- WITNESSES:** For — Charles Laws; Toni Laws (*Registering, but not testifying*: Terri Hall, Texas TURF; Steven Tays, Bexar County Criminal District Attorney's Office)
- Against — None
- BACKGROUND:** Under Transportation Code, sec. 545.401, a person commits a reckless driving offense by driving a vehicle in willful or wanton disregard for the safety of persons or property. The offense is a misdemeanor punishable by a fine of \$200 or less, confinement in county jail for up to 30 days, or both.
- DIGEST:** HB 955 would increase penalties for the offense of reckless driving if the offense resulted in the serious bodily injury or death of a driver or passenger of another motor vehicle.
- Such a reckless driving offense would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) and the court could:
- suspend the offender's driver's license for at least 30 days, beginning on the day of the conviction; and
 - require the offender to complete a driving safety course before their driver's license could be reinstated.
- A judge could also order an offender under this bill who had been placed on community supervision to attend and successfully complete a driving safety course. An offender under this bill could be simultaneously prosecuted under a different law.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 955 would provide more appropriate, stricter penalties for reckless driving that resulted in serious bodily injury or death. Drivers who make the choice to drive recklessly should be held accountable for their actions.

Current statute only provides a \$200 fine and a few days in jail for reckless driving, which is not sufficient to cover the loss of a loved one. Cruelty to animals is a class A misdemeanor and littering laws carry a fine of \$500 while a reckless driving offense carries only a minor misdemeanor. HB 955 would send a message that Texas takes the offense of reckless driving seriously and would ensure that reckless drivers who killed or seriously injured others were punished appropriately.

Determination of criminal negligence does not cover all instances of reckless driving that result in death or serious bodily injury. One victim, Sarah Laws, was killed by a reckless driver on Interstate Highway 10, but her family could not press criminal negligence charges because the reckless driver had not scraped the car she rode in.

**OPPONENTS
SAY:**

HB 955 would unnecessarily increase costs to taxpayers by adding jail time for reckless drivers. Criminally negligent homicide is already punishable as a state-jail felony, which state-jail felony, punishable by up to two years in jail and an optional fine of up to \$10,000. This penalty alone would appropriately punish drivers who negligently caused the death of a person through reckless driving.