

SUBJECT: Creating a criminal offense for injury to a pedestrian within a crosswalk

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Canales, E. Thompson, Ashby, Bucy, Davis, Harris, Lozano, Martinez, Ortega, Perez, Rogers, Smithee

0 nays

1 absent — Landgraf

WITNESSES: For — Robin Stallings, BikeTexas; Alison Baimbridhe and Brian Middleton, Fort Bend County District Attorney's Office; Eric Fagan, Fort Bend County Sheriff Office; Elliot Smith; Edmund Smith; Gina Torry; (*Registered, but did not testify*: Chris Riley, Bike Austin; Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; John Pitts, Jr, Farm&City; Jessica Anderson, Houston Police Department; Mark Stine, Texans for State Parks)

Against — (*Registered, but did not testify*: Don Dixon)

On — Terri Hall, Texas TURF; Texans for Toll-free Highways; (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Transportation Code sec. 552.003 governing pedestrian right-of-way at a crosswalk, states that the operator of a vehicle shall yield the right-of-way to a pedestrian crossing a roadway if:

- no traffic control signal is in place or in operation; and
- the pedestrian is on the half of the roadway in which the vehicle is traveling, or approaching so closely from the opposite half of the roadway as to be in danger.

A pedestrian may not suddenly leave a curb or other place of safety and proceed into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to yield.

DIGEST:

Under HB 2081, it would be an offense if a person with criminal negligence operated a motor vehicle within the area of a crosswalk and caused bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or a golf cart. The penalty would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), except that it would be enhanced to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the victim suffered serious bodily injury.

The bill would provide an affirmative defense to prosecution if at the time of the offense the injured party was violating rules of the road related to walking, movement, or operation in a crosswalk or on a roadway.

If conduct that would constitute an offense under the provisions of this bill also constituted an offense under any other law, the driver could be prosecuted under this bill's provisions, the other law, or both.

The bill would take effect on September 1, 2021.