

SUBJECT: Denying licenses to juveniles committing firearm offenses in vehicles

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 8 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, A. Reyna, Smith, Williams

0 nays

1 absent — Naishtat

WITNESSES: For — J. S. Muncy, Dallas Police Department; Andrew O. Ainley

Against — None

On — William Foster; Robert Dawson

DIGEST: CSHB 1006 would require juvenile courts to order the Department of Public Safety to suspend or deny a driver's license to juveniles possessing, using or exhibiting a firearm in a motor vehicle while engaged in certain criminal or delinquent conduct or conduct in need of supervision. The order would have to specify the license suspension or denial would extend for two years or until the child turned 17, whichever was longer.

Juveniles subject to such an order could not apply for an occupational driver's license unless the court order specified otherwise.

CSHB 1006 would take effect September 1, 1997, and would apply only to conduct that occurs on or after that date.

SUPPORTERS SAY: CSHB 1006 would help address the increase in violent juvenile crimes. Many times the commission of those crimes, such as drive-by shootings, involve the use of a car. The bill would create a strong deterrent to juveniles contemplating such violent conduct.

Juvenile weapon sanctions are now much lower than those for adults. Currently, the juvenile conduct addressed by the bill is only a misdemeanor offense. Gang members are aware of this differential treatment, and older

gang members often pass off guns to juvenile gang members in order to avoid the harsher penalties for adults. CSHB 1006 would discourage this trend by strengthening juvenile penalties for certain weapons-related offenses.

Driver's license suspension or denial is an appropriate punishment for weapons offenses committed in vehicles. It would send a message to juveniles that a driver's license is a privilege that will be denied if abused by facilitating delinquent conduct. The period of suspension or denial that would be required by the bill is appropriate because it would reflect the seriousness of violent juvenile crimes as well as provide a necessary deterrent.

The bill would protect the ability of juveniles to transport themselves to and from work by authorizing judges to allow for an occupational driver's license, when justified.

**OPPONENTS
SAY:**

The license suspension or denial period that would be required by the bill is too harsh. Juveniles facing such a long suspension or denial would likely just go ahead and drive without a license.

CSHB 1006 could penalize a juvenile who simply borrows a parent's car knowing that the car contains the parent's gun. That could amount to possession of a weapon in violation of the Penal Code. The bill should only apply to juveniles who commit a criminal or delinquent act — mere possession under circumstances such as those described above should not be enough to trigger a license suspension or denial.

**OTHER
OPPONENTS
SAY:**

Judges should have greater discretion than would be allowed by CSHB 1006. It should be permissive, rather than mandatory, for judges to suspend or deny driver's licenses in these cases. In addition, judges should be able to determine the length of suspension or denial rather than having to comply with an arbitrary period of two years or until the child turned 17. Judges should be able to take into consideration the unique facts of each case and issue an order appropriate to those facts instead of a one-size-fits-all mandate.

NOTES: The committee substitute added the provision addressing a juvenile's eligibility for an occupational driver's license, and changed the period of license suspension or denial until the age of 17 instead of 18.