

SUBJECT: Suspending a driver's licenses for destroying a mailbox

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 5 ayes — Driver, Jackson, Hegar, Burnam, Veasey

1 nay — Hupp

1 absent — Frost

WITNESSES: For — Charles L. Spann

Against — None

BACKGROUND: Criminal mischief is defined in Penal Code, sec. 28.03 as intentionally or knowingly damaging or destroying the property of another without the owner's consent.

DIGEST: CSHB 499 would require a judge in the trial of a defendant for criminal mischief to make a special finding if the property destroyed or damaged by the defendant was an address identifier — any property, including a mailbox, meant to identify an address. If a person was convicted of criminal mischief for damaging or destroying an address identifier, the bill would require the Department of Public Safety (DPS) to suspend or deny the issuance of a driver's license to that person.

The period of suspension for a first offense would be 90 days following the date of final conviction for criminal mischief. For a person who did not already hold a driver's license or whose license had lapsed, the period of denial would be 90 days following the date of application to DPS for a new or reinstated license.

For a subsequent offense, the period of suspension for a license holder would be 180 days following the conviction date, and the period of denial for a person seeking a new or reinstated license would be 180 days from the date of application to DPS.

The bill would take effect September 1, 2005, and would apply to an offense committed on or after that date.

**SUPPORTERS
SAY:**

In rural areas, homes often are not visible from a main road, and people affix their addresses to the mailbox to enable police, fire, and emergency medical personnel to locate their address. This often is the only way a house can be found. It is not uncommon for people, especially teenagers, to deliberately destroy mailboxes. In order to deter people from such behavior – behavior that could cost a person his life if emergency medical personnel could not find his house in time – CS HB 499 would require DPS to suspend or deny the issuance of a driver's license to a person convicted of knowingly damaging or destroying a mailbox. The license would be suspended or denied only for 90 days, and thus would not be an overly harsh penalty. Instead it would serve as an effective deterrent, especially to teenagers who value the privilege of driving.

**OPPONENTS
SAY:**

Requiring DPS to suspend or deny issuance of a driver's license for a first offense of criminal mischief would be too harsh. Such a penalty should be allowed only for repeat offenses.

NOTES:

The bill as introduced would have required DPS to suspend or revoke the driver's license of a person convicted for the first time of destroying an address identifier for 180 days, rather than 90 days.