

- SUBJECT:** Penalties for the destruction of a mailbox or other address identifier
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 5 ayes — Peña, Vaught, Riddle, Escobar, Mallory Caraway
0 nays
4 absent — Hodge, Moreno, Pierson, Talton
- WITNESSES:** For — Kevin Hanes, Henderson County Sheriff’s Department
Against — None
- BACKGROUND:** Under Penal Code, sec. 28.03, criminal mischief is committed by a person who, without the consent of the property owner, intentionally or knowingly:
- damages or destroys property of another;
 - tampers with the tangible property of another and causes monetary loss or substantial inconvenience to the owner or a third person; or
 - commits an act of graffiti.
- The penalty for criminal mischief varies depending on the value of the damage done.
- DIGEST:** HB 1123 would add Code of Criminal Procedure, art. 42.021, which would direct a judge who found during a criminal mischief trial that the damaged property was an address identifier to make a finding of that fact and enter the finding in the judgment of the case. Art. 42.021 would define an “address identifier” as a mailbox, sign, 9-1-1 locator system, or other property designed to identify an address.
- HB 1123 would add Transportation Code, sec. 521.352, which automatically would suspend or deny the driver’s license of a person who was been found to have damaged an address identifier. A person’s driver’s license automatically would be suspended on final conviction of criminal mischief if the judgment contained an affirmative finding that the property

damaged was an address identifier. The period of suspension would be 180 days after the date of the final conviction.

Additionally, the Texas Department of Transportation (TxDOT) would not be allowed to issue a driver's license to a person convicted of criminal mischief of an address identifier who, on the date of the conviction did not hold a driver's license. The period of license denial would be 180 days after the date the person applied to TxDOT for a reinstatement or issuance of a driver's license.

If a person has previously been denied a license because of a conviction of criminal mischief of an address identifier and previously was denied a license or had had a license suspended, then the period of suspension would be one year after the date of final conviction, and the period of license denial would be one year after the date the person applied to the department for reinstatement or issuance of a driver's license.

The bill would take effect on September 1, 2007, and would apply only to an offense committed on or after that date.

**SUPPORTERS
SAY:**

HB 1123 would help deter a particular type of criminal mischief that could lead to consequences much graver than mere property damage. In rural areas, homes often are not visible from the road, and people affix their addresses to mailboxes to assist police, fire, and emergency services personnel in locating their address. This often is the only way a house can be identified. It is not uncommon for people, especially teenagers, to deliberately destroy mailboxes. While such behavior may be intended as a prank, it could cost lives if emergency personnel were unable to locate a house because its mailbox had been destroyed. By requiring the state to suspend or deny the issuance of a driver's license to a person convicted of knowingly damaging or destroying a mailbox, HB 1123 would serve as an effective deterrent against this particularly dangerous form of criminal mischief, especially to teenagers who value the privilege of driving.

**OPPONENTS
SAY:**

HB 1123 is not necessary. The destruction of property already is punished by the criminal mischief statute in the Penal Code. Current law provides appropriate penalties because it ties punishment to the value of the damage done to the property owner. Instead of being appropriately tailored to the crime, HB 1123 would restrict access to driver's licenses, which historically are issued and suspended based on a person's driving record.

Suspending or delaying a person's driver's license is not directly related to the crime of criminal mischief of an address identifier.