

BILL ANALYSIS

C.S.H.B. 499
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Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Most rural residents place 911 addresses or identifiers on their mailboxes. When these are destroyed, emergency responders, such as police, fire, emergency and medical personnel, have difficulty finding residences when called for emergencies. Often, residents become frustrated with the frequency of the destruction and do not replace the identifiers. Emergency responders are sometimes left with descriptions of a residence that may not be visible from the roadway. Because many of the offenders are teenagers, restrictions on driver's licenses have been suggested in order to help curb the problem.

House Bill 499 requires an offender's driver's license be automatically suspended for 90 days upon final conviction of a first offense of intentionally destroying 911 address markers or identifiers. The license suspension would be imposed for 180 days if a person was previously denied a license or had a license suspended under this offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 499 adds Article 42.020 to the Code of Criminal Procedure, as follows:

- Defines the term "address identifier" as a mailbox, sign, 9-1-1 locator system, or other property designed to identify an address; and
- Provides that in the trial of an offense under Section 28.03, Penal Code (Criminal Mischief), if the judge determines that the property that is the subject of the offense was an address identifier, the judge shall make an affirmative finding of that fact and enter the finding into the judgment.

The bill adds Section 521.351 to the Transportation Code to provide the following:

- Provides that a person's driver's license is automatically suspended on final conviction of an offense under Section 28.03, Penal Code, if the judgment in the case contains an affirmative finding under Article 42.020, Code of Criminal Procedure;
- Prohibits the Department of Public Safety from issuing a driver's license to a person convicted of such an offense if the person did not hold a driver's license on the date of conviction; and
- Provides that the period of suspension is the 90 days following the date of final conviction and the period of denial is the 90 days following the date the person applies for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which case the period of suspension or denial is 180 days.

The bill provides that the changes in law provided by this Act are prospective from the effective date.

EFFECTIVE DATE

September 1, 2005

C.S.H.B. 499 79(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill amends Section 521.351 of the Transportation Code by providing that the period of driver's license suspension is 180 days following the date of final conviction and the period of denial is the 180 days following the date the person applies for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which case the period of suspension or denial is one year.

The substitute amends Section 521.351 of the Transportation Code by providing that the period of driver's license suspension is 90 days following the date of final conviction and the period of denial is the 90 days following the date the person applies for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which case the period of suspension or denial is 180 days.