

By: Brown of Kaufman

H.B. No. 499

Substitute the following for H.B. No. 499:

By: Hegar

C.S.H.B. No. 499

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain penalties imposed for the destruction of a  
3 mailbox or other address identifier.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 42, Code of Criminal Procedure, is  
6 amended by adding Article 42.020 to read as follows:

7 Art. 42.020. FINDING REGARDING DAMAGED OR DESTROYED  
8 PROPERTY. (a) In this section, "address identifier" means a  
9 mailbox, sign, 9-1-1 locator system, or other property designed to  
10 identify an address.

11 (b) In the trial of an offense under Section 28.03, Penal  
12 Code, if the judge determines that the property that is the subject  
13 of the offense was an address identifier, the judge shall make an  
14 affirmative finding of that fact and enter the affirmative finding  
15 in the judgment in the case.

16 SECTION 2. Subchapter O, Chapter 521, Transportation Code,  
17 is amended by adding Section 521.351 to read as follows:

18 Sec. 521.351. DAMAGING OR DESTROYING ADDRESS IDENTIFIER:  
19 AUTOMATIC SUSPENSION; LICENSE DENIAL. (a) A person's driver's  
20 license is automatically suspended on final conviction of an  
21 offense under Section 28.03, Penal Code, if the judgment in the case  
22 contains an affirmative finding under Article 42.020, Code of  
23 Criminal Procedure.

24 (b) The department may not issue a driver's license to a

1 person convicted of an offense specified in Subsection (a) who, on  
2 the date of the conviction, did not hold a driver's license.

3 (c) The period of suspension under this section is the 90  
4 days after the date of a final conviction, and the period of license  
5 denial is the 90 days after the date the person applies to the  
6 department for reinstatement or issuance of a driver's license,  
7 unless the person has previously been denied a license under this  
8 section or had a license suspended, in which event the period of  
9 suspension is the 180 days after the date of a final conviction, and  
10 the period of license denial is the 180 days after the date the  
11 person applies to the department for reinstatement or issuance of a  
12 driver's license.

13 SECTION 3. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 An offense committed before the effective date of this Act is  
16 covered by the law in effect when the offense was committed, and the  
17 former law is continued in effect for that purpose. For purposes of  
18 this section, an offense was committed before the effective date of  
19 this Act if any element of the offense was committed before that  
20 date.

21 SECTION 4. This Act takes effect September 1, 2005.