

SUBJECT: Legal consequences of engaging in certain terroristic activity

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 7 ayes — Driver, Garza, Burnam, Y. Davis, Hegar, Hupp, Keel
0 nays

WITNESSES: For — Vickie Phelps, Taylor Independent School District
Against — None

BACKGROUND: Penal Code, sec. 28.08 makes it an offense for a person intentionally or knowingly to place graffiti on the tangible property of another without consent. Sec. 28.08(b) provides a range of penalties depending on the pecuniary loss.

Transportation Code, 521.320 also allows a court to order the Department of Public Safety (DPS) to suspend a person's license, or deny issuance of a license to someone without one, for one year after being convicted of criminal mischief under Penal Code, sec. 28.08.

Family Code, sec. 54.042(b) provides that a juvenile court may order the suspension of a juvenile's driver's license, or denial of a license or permit for a juvenile who does not yet have a driver's license, for violations of Penal Code, sec. 28.08. The suspension may be for a period not to exceed 365 days, or until the longer of 365 days or when the juvenile turns 19 years of age for repeat offenders of sec. 28.08.

Penal Code, sec. 22.07 provides penalties ranging from a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) for making terroristic threats.

These offenses including a threat to:

- cause a reaction by an official or volunteer public safety agency;

- place a person in fear of imminent serious bodily harm;
- prevent or interrupt the occupation or use of a building, room, place of assembly, public place, place of occupation or employment, aircraft, automobile, or other form of conveyance or public place; or
- cause impairment or interruption of public communications, public transportation, public water, gas or power supply, or other public service.

Penal Code, sec. 42.06 provides criminal penalties ranging from a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) for knowingly initiating, communicating, or circulating a false report of a bombing, fire, criminal offense, or other emergency.

Penal Code, sec. 42.08 provides that it is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to knowingly manufacture, sell, purchase, transport, or possess a hoax bomb with intent to make someone believe that the hoax bomb is an explosive or incendiary device or to cause alarm or reaction by an official or voluntary public safety agency.

DIGEST:

HB 2223 would amend Family Code, sec. 54.042(b) to allow a juvenile court to order DPS to suspend, or deny issuance of, the driver's license of a juvenile adjudicated of violating statutes that prohibit terroristic threats, circulation of false emergency reports, or threat by means of a hoax bomb. The suspension would be for a period not to exceed 365 days, or until the longer of 365 days or when the juvenile turned 19 years of age for repeat offenders

The bill would amend Transportation Code, sec, 521.320 in the same fashion, except that it would not prescribe a different suspension period for repeat offenders.

The bill would take effect September 1, 2003, and would apply to offenses that occurred on or after that date.

**SUPPORTERS
SAY:**

Juveniles who make bomb threats and other false alarms must face penalties that are meaningful to them. HB 2223 would deny those young offenders a driver's license — a very valuable privilege for most teenagers. Bomb threats, particularly at public schools, impose considerable costs in time, money, and

emotional stress for students, administration, and the community as a whole. After September 11, 2001, and the recent war in Iraq, schools must consider all threats to be serious. In turn, those making bomb threats must be made to face serious consequences for malicious acts that harm others.

Current penalties apparently do not deter those who would make terrorist threats or false bomb reports. In February, a 10-year-old boy in Taylor was arrested for making a terroristic threat that forced school officials to evacuate students outside on a freezing day. The student had been suspended for disruptive behavior and apparently was trying to retaliate by making the threat. Knowing that such behavior would delay the issuance of a driver's license by one year might make other young people reconsider before making threats or engaging in similar mischief.

HB 2223 is modeled on a similar South Carolina law that has been successful in addressing the problem of threats to schools since it was passed in 2001. Such a law also would be good for Texas.

**OPPONENTS
SAY:**

Current penalties are more than sufficient to punish those making terroristic threats or false emergency alarms. A driver's license should not be suspended for offenses unrelated to motor vehicle offenses.

**OTHER
OPPONENTS
SAY:**

HB 2223 should adopt the standard provided in the South Carolina law and allow for a minimum two-year suspension or denial of a driver's license.