

BILL ANALYSIS

C.S.H.B. 197
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently a Class B misdemeanor is an offense if the amount of pecuniary loss is greater than \$50, but less than \$500. Repeat Class C misdemeanor offenders are being charged with Class C misdemeanors for offenses resulting in losses less than \$50. They are able to continually repeat the same offense, however there is no difference in the penalty from the first offense to the third or fourth. C.S.H.B. 197 increases the fine for criminal mischief (a Class C misdemeanor) involving a pecuniary loss of less than \$50 to \$1,000 if the person has been convicted of criminal mischief three or more times.

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

C.S.H.B. 197 amends the Penal Code to increase the fine to \$1,000 for the offense of criminal mischief (a Class C misdemeanor) if the amount of pecuniary loss is less than \$50 and the actor has been convicted of criminal mischief three or more times.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

This bill was originally meant to increase the level of criminal offense for repeat offenders or Class C criminal mischief violations when more than three convictions had been made on the same person. By escalating the penalty to a Class B misdemeanor it increased both the fine and added jail time to the possible sentence.

In light of overcrowding of Texas prisons and the very real possibility that jailing individuals for criminal mischief offenses might do more harm than good in the long run. The committee substitute for HB 197 maintains the Class C status of the crime but doubles the fine allowed by the statute for all offenses over three convictions.