

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1633** by Walle (Relating to the prosecution and punishment of the offense of graffiti and to certain conditions imposed on defendants convicted of that offense or on juveniles adjudicated as having engaged in conduct in violation of that offense.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would require a court to order a defendant convicted or adjudicated for the offense of graffiti to pay restitution. The bill would require community service as a condition of community supervision for a defendant convicted of the offense of graffiti with the number of hours based on the amount of pecuniary loss (at least 15 hours if the pecuniary loss is between \$50 and \$500 and at least 30 hours if the pecuniary loss is \$500 or more). Under the provisions of the bill, a youth placed on probation for the offense of graffiti would be required to either reimburse the property owner or restore the property with the owner's consent. If the youth cannot pay the restitution, the juvenile court would be permitted to order the child, in addition to other community service ordered, to perform at least 15 hours if the pecuniary loss is between \$50 and \$500 and at least 30 hours if the pecuniary loss is \$500 or more. Under the provisions of the bill an individual previously convicted two or more times of graffiti committed when the person was older than 17 years of age that also caused a pecuniary loss of any amount less than \$20,000 would be punished as a state jail felon.

The bill would take effect September 1, 2009 and apply only to an offense committed on or after the effective date of the Act.

Enhancing punishment for criminal behavior is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or, longer terms of confinement in county jails or prison. Any impact on the adult correctional population will likely be as a result of the provisions which allow for the penalty to be enhanced from that of a misdemeanor to a felony. For this analysis it is estimated the number of adult offenders convicted under the provisions of the bill would result in a slight increase in the felony community supervision, and state jail populations. The Juvenile Probation Commission does not anticipate significant fiscal impact to the state as a result of implementing the provisions of the bill.

**Local Government Impact**

The fiscal impact to local government from the requirements of the bill would vary depending on the number of offenders, the number of trials, and the amount of property recovered by a local entity. However, those costs are not anticipated to be significant.

**Source Agencies:** 665 Juvenile Probation Commission, 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, AI, LM