

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure, Family Code, and Penal Code relating to the prosecution and punishment of the offense of graffiti. The bill would require a court to order a defendant convicted or adjudicated for the offense of graffiti to either reimburse the property owner or restore the property with the owner's consent. 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.

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

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, TMP, AI, LM