

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 29, 2009

TO: Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

IN RE: HB1753 by Leibowitz (Relating to the criminal penalties and civil consequences for defendants convicted of an offense of graffiti and for juveniles adjudicated as having engaged in conduct involving graffiti.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to increase the juvenile delinquency prevention and graffiti eradication local court cost fee from \$50 to \$100 per offense. The bill would amend the Family Code to require persons adjudicated as having engaged in subsequent graffiti offenses to perform at least 100 hours of community service in addition to any other conditions of probation. The bill would also amend the Penal Code to increase the offense classifications for graffiti related offenses according to financial loss to personal or real property caused by the offense.

The bill would become effective September 1, 2009 and the change in law made by this Act applies only to an offense committed on or after September 1, 2009.

For this analysis it is estimated the number of offenders convicted under the provisions of the bill would result in a slight increase in the community supervision, state jail, and prison populations. The Texas Juvenile Probation Commission indicated they did not anticipate significant fiscal impact as a result of implementing the provisions of the bill.

Local Government Impact

The bill would increase the juvenile delinquency prevention and graffiti eradication criminal court cost from \$50 to \$100, that would be assessed upon conviction of Section 28.08 of the Penal Code relating to graffiti. Counties would retain the money collected from the court cost resulting in a positive fiscal impact. The increase in revenue generated from the higher court costs would vary by county depending on the number of offenses prosecuted, and the costs associated with a trial.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 665 Juvenile Probation Commission, 696 Department of Criminal Justice

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