

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**March 11, 2009**

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

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

**IN RE: HB2126** by Kent (Relating to the prosecution and punishment of offenses involving graffiti.),  
**As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Penal Code to reduce from less than \$500 to less than \$300 the maximum amount of pecuniary loss caused by a graffiti offense for the offense to be classified as a Class B misdemeanor. It would also change the amount of the minimum pecuniary loss caused by a graffiti offense to be classified as a Class A misdemeanor from more than \$500 to more than \$300.

A Class B misdemeanor is punishable by a fine not to exceed \$2,000, confinement in jail for a term not to exceed 180 days, or both. A Class A misdemeanor is punishable by a fine not to exceed \$4,000, confinement in jail for a term not to exceed one year, or both.

**Local Government Impact**

Changes in level of pecuniary loss is expected to increase the number of graffiti offenses classified as a Class B or Class A misdemeanor, which could result in some additional prosecutorial costs and jail costs; however, the higher fines that can be imposed under the higher misdemeanor levels would help offset those costs.

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, ESi, DB