

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 4, 2009

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

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

IN RE: HB3342 by Bohac (Relating to certain criminal penalties for and civil consequences of damaging property with graffiti.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal and Transportation Codes as they relate to the criminal penalties and civil consequences of damaging property with graffiti. Under the provisions of the bill, an individual previously convicted two or more times of graffiti who also caused a pecuniary loss of any amount less than \$20,000 would be punished as a state jail felon. The bill would also amend the Penal Code to allow for any offense under Section 28.08, Penal Code to be enhanced to a third degree felony if the person is found to have also engaged in organized criminal activity. The bill would also require convicting courts to take certain actions with respect to the driver's license of an individual convicted under Section 28.08, Penal Code.

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

Expanding the list of offenses punishable by imprisonment 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. 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 felony community supervision, and state jail populations.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, LM