

BILL ANALYSIS

H.B. 690
By: Martinez Fischer
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law the penalty for an offense of graffiti is a state jail felony if the marking is made on a school, an institution of higher education, a place of worship or human burial, a public monument, or a community center that provides medical, social, or educational programs and the marking accounts for losses totaling any amount less than \$20,000. The defacement of historical structures is not currently included and, thus, is punished to a lesser degree. Recently, the Mission San Juan in San Antonio was vandalized with graffiti for the second time in nearly five years. In an attempt to curb the commission of such graffiti crimes, H.B. 690 includes the making of a marking on a historical structure or property among the conditions that constitute a state jail felony graffiti offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 690 amends the Penal Code to expand the conditions that constitute a state jail felony offense of graffiti to include intentionally or knowingly and without the effective consent of the owner making a marking on a historic structure or property that causes pecuniary loss to the property in an amount less than \$20,000. The bill provides for the meaning of "historic structure or property" by reference to the Local Government Code.

EFFECTIVE DATE

September 1, 2011.