

BILL ANALYSIS

H.B. 1622
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Gang graffiti is characterized as a means of communication used by gangs to mark territory, threaten violence, honor dead gang members, and advertise for recruits. The editing of existing graffiti can also be used to demonstrate disrespect for rival gangs by crossing out, reversing, cracking, or turning rival gang symbols upside down. This type of gang activity might appear insignificant, but it is often the first sign of a gang's presence in a neighborhood and, depending on the markings, may indicate future violence or criminal activity. There is concern that procedures under current law do not adequately address the various types of graffiti as gang activity and do not provide for timely abatement of such activity. H.B. 1622 seeks to address these concerns.

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. 1622 amends the Civil Practice and Remedies Code to expand the definition of "gang activity," for purposes of provisions of law relating to membership in a criminal street gang that constitutes a public nuisance, to include all instances of a graffiti offense by removing conditions based on the amount of pecuniary loss resulting from the graffiti offense and where the offense occurs. The bill grants a court authority to extend, from not later than the 90th day after the date of a temporary injunctive order to a court-ordered date, the date by which a person temporarily enjoined in a suit to abate public nuisance for the activities of a criminal street gang or combination is entitled to a trial on the merits of the order, if an appeal is not taken by the person.

EFFECTIVE DATE

September 1, 2011.