

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB36 by Menéndez (Relating to the criminal penalty for and certain civil consequences of damaging property with graffiti.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code, the Civil Practice and Remedies Code, and the Transportation Code as it relates to the criminal penalty for and certain civil consequences of damaging property with graffiti. Under the provisions of the bill, a court granting community supervision to a defendant convicted of a graffiti offense shall require the defendant to serve 12 to 48 hours of confinement in a county jail as a condition of community supervision. The bill would also add a city hall, a courthouse, a historic structure, and a cultural resource site or area to the list of items that if marked on make graffiti a state jail felony. Under current law, the offense of graffiti is punishable by a Class A or B misdemeanor, a first, second, third, or state jail felony depending upon the amount of loss. The bill would increase the punishment for this offense to the next higher category of offense if the defendant has been previously convicted or placed on deferred adjudication for graffiti. Under the provisions of the bill a court would be required to suspend or deny a driver's license or provisional license to a person who has been convicted or adjudicated to have engaged in delinquent conduct for a graffiti offense.

The bill would enhance the penalty for graffiti. Enhancing the penalty for any criminal offense is expected to increase demands on state and/or county correctional agency resources due to longer terms of community supervision, county jail confinement, state correctional institution confinement, and/or parole. However, in the case of the bill, it is assumed that the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

Local Government Impact

Implementing the bill's provisions could increase the number of offenders confined in county jails. This change is expected to increase demands on county resources. The average cost per day to house an inmate in a county jail varies by county. Costs to local entities would depend on the number of individuals affected by the provisions of the bill; however, the fiscal impact is not anticipated to be significant.

Source Agencies: 405 Department of Public Safety, 644 Texas Juvenile Justice Department

LBB Staff: UP, JPo, ESi, GG, JGA, KKR

