

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 31, 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.), **As Introduced**

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 graffiti offense would have a minimum term of confinement (72 hours) and, unless targeting certain protected structures, a first-time offense would be punishable as a Class A misdemeanor instead of a Class B misdemeanor. If the offender marks a protected structure with graffiti, the penalty is a state jail felony. The bill would add city hall and courthouse structures to the protected class of structures. The bill would also increase the punishment for graffiti to a state jail felony 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

This bill would increase the offense for a graffiti offense to a Class A misdemeanor, and to the next higher category of offense if the defendant has been previously convicted. The bill also requires a court granting community supervision to a defendant convicted of a graffiti-related offense to require as a condition of community supervision no less than 72 hours of confinement in county jail.

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

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