

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2849 by White (Relating to the punishment for property offenses involving criminal mischief and graffiti.), **As Introduced**

The probable fiscal impact of implementing the bill is expected to be positive but it is indeterminate due to the unavailability of reliable data or information related to the exact amount of pecuniary loss for certain criminal mischief offenses.

The bill would amend the Penal Code as it relates to the punishment for property offenses involving criminal mischief and graffiti. Under the provisions of the bill, criminal mischief, including graffiti, that results in a loss of \$50 or more but less than \$100 changes from a Class B misdemeanor to a Class C misdemeanor. The offense changes from a Class A misdemeanor to a Class B misdemeanor if it results in a loss of \$500 or more but less than \$1,500. The offense changes from a state jail felony to a Class A misdemeanor if it results in a loss of \$1,500 or more but less than \$3,000. This change applies to offenses in which school property is damaged. The offense changes from a third-degree felony to a state jail felony if it results in a loss of \$20,000 or more but less than \$30,000. This change applies to offenses in which the property of a school; place of worship or human burial; a public monument; or a community center that provides medical, social, or education programs is damaged. The offense changes from a second-degree felony to a third-degree felony if it results in a loss of \$100,000 or more but less than \$150,000. This change applies to offenses in which the property of transportation communications equipment is damaged. The offense changes from a first-degree felony to a second-degree felony if it results in a loss of \$200,000 or more but less than \$300,000.

The bill reduces the penalty for certain criminal mischief offenses. Reducing the penalty for any criminal offense is expected to decrease demands on state and/or county correctional agency resources. The bill may have a positive fiscal impact by decreasing the number of people on felony community supervision or incarcerated within state correctional institutions for certain criminal mischief offenses. Whether the bill would result in a significant amount of savings to the state is indeterminate due to a lack of statewide data on the exact amount of pecuniary loss for certain criminal mischief offenses. At present, data do not exist that would enable the identification of those cases in which the amount of pecuniary loss was within the range of the affected penalties.

Local Government Impact

Changes in costs relating to enforcement, prosecution, and confinement could likely be absorbed within existing resources. Changes in revenue from fines imposed and collected is not anticipated

to have a significant fiscal impact.

Source Agencies:

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