

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 29, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3494** by Moody (Relating to the punishment for the offense of graffiti and the creation of a graffiti pretrial diversion program; authorizing a fee.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would recategorize graffiti offenses under the bill based on the monetary loss caused by the offense. The bill would mandate a state jail felony for offenses against protected structures, involving real property or tangible personal property, when the loss is \$500 or more but less than \$20,000.

The bill would provide for the dismissal of certain graffiti charges on completion of a pretrial diversion program under specified conditions. The defendant would be required to perform community service that must, to the extent possible, include graffiti removal, make restitution of the graffiti-marked property, and complete recommended hours of community service equivalent to the level of offense under the Penal Code.

The bill would allow the collection of certain graffiti charges by a district attorney, criminal attorney or county attorney not to exceed \$500 for reimbursement of county expenses. The bill would designate \$50 collected under this fund for the prevention of juvenile delinquency and graffiti eradication. The bill would require all fees deposited in the county treasury and credited to the juvenile delinquency prevention fund.

**Local Government Impact**

The bill would modify misdemeanor offenses. Changes in costs associated with enforcement, prosecution, and confinement are not anticipated to have a significant fiscal impact. Changes in revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

Dallas County and Harris County reported that no significant fiscal impact associated with the bill is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304

Comptroller of Public Accounts

**LBB Staff:** UP, ESI, KKR, GG, JGA