

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 14, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB883 by Moody (Relating to the punishment for the offense of graffiti and the creation of a graffiti pretrial diversion program; authorizing a fee.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code, reducing the punishment for the offense of graffiti in certain situations, and creating a graffiti pretrial diversion program. The bill would create a Class C misdemeanor for damage less than \$50. The pecuniary loss for a graffiti offense on a school, institution of higher education, place of worship or human burial, public monument, or a community center would be a minimum of \$500 in order to result in a state jail felony.

Currently, the offense is punishable as a Class B misdemeanor if the amount of pecuniary loss is less than \$500. A district attorney, criminal district attorney, or county attorney would be authorized to collect a fee of up to \$500 to reimburse the county for expenses related to the pretrial diversion program. A fee of \$50 also would be collected for the prevention of juvenile delinquency and for graffiti eradication.

There would be a minimal revenue loss statewide and to local government in the event new court costs in Class C misdemeanors are assessed upon conviction (or deferred disposition) rather than Class B misdemeanors, or if Class B misdemeanors are assessed rather than state jail felonies; however, the Office of Court Administration indicates this fiscal implication statewide is not anticipated to be significant, in part, because the number of graffiti-related convictions is unknown.

Local Government Impact

There would be a minimal revenue loss statewide and to local government for court costs charged to offenses under current law that would be charged in lesser offenses under bill provisions.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, KJo, TB