

BILL ANALYSIS

Senate Research Center

H.B. 260
By: Pickett (Shapleigh)
Criminal Justice
5-4-97
Engrossed

DIGEST

Currently, Section 28.03 of the Penal Code, regarding criminal mischief, contains no provisions concerning graffiti. Instead, this section establishes the offense of intentionally making markings, including inscriptions, slogans, drawings, or paintings, on tangible property without the effective consent of the owner. As a result, district attorneys responsible for the prosecution of graffiti vandals find it difficult to adequately prosecute and track these cases. H.B. 260 defines "graffiti"; creates the offense of intentionally or knowingly placing graffiti on tangible property without the consent of the owner; and provides penalties.

PURPOSE

As proposed, H.B. 260 establishes certain offenses involving criminal mischief and graffiti, and provides penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.03(a), Penal Code, to provide that a person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly makes markings, including inscriptions, slogans, drawings, or paintings, other than graffiti, on the tangible property of the owner.

SECTION 2. Amends Chapter 28, Penal Code, by adding Section 28.08, as follows:

Sec. 28.08. GRAFFITI. Establishes that a person commits an offense if, without the effective consent of the owner, the person intentionally or knowingly places graffiti on the tangible property of the owner. Defines "graffiti." Sets forth the procedure for considering and penalizing one scheme or continuing course of conduct in violation of this section. Provides that an offense under this section ranges from a Class C misdemeanor to a first degree felony, depending on the amount of pecuniary loss to property. Establishes that an offense under this section is a state jail felony if the graffiti is placed on a place of worship or human burial, a public monument, or a community center, and the amount of the pecuniary loss is less than \$20,000.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.