

BILL ANALYSIS

Senate Research Center
76R770 JMC-D

H.B. 1063
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Criminal Justice
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Engrossed

DIGEST

Currently, a person convicted of a graffiti offense must pay a \$5 "graffiti eradication fee." The collected fees are used for repairing the damage caused by graffiti offenses, providing anti-graffiti educational and intervention programs, and providing public rewards for identifying or aiding in the apprehension and prosecution of graffiti offenders. However, juveniles are typically not convicted, but rather adjudicated. In such cases, the law is not clear whether the defendant may be charged the fee that is imposed on convicted persons. H.B. 1063 specifically imposes a \$5 graffiti eradication fee as a cost of court on an adjudicated child, unless waived by the court, to be deposited in the county graffiti eradication fund.

PURPOSE

As proposed, H.B. 1063 imposes a graffiti eradication fee on certain persons in juvenile court.

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 Chapter 54, Family Code, by adding Section 54.0461, as follows:

Sec. 54.0461. PAYMENT OF GRAFFITI ERADICATION FEES. Requires a juvenile court to order a child adjudicated under Section 28.08, Penal Code, or the parent, or other person responsible for the child's support, to pay to the court a \$5 graffiti eradication fee as a cost of court. Requires the court to deposit fees received under this section to the credit of the county graffiti eradication fund provided for under Article 102.0171, Code of Criminal Procedure. Requires the court to enter into the child's case records a statement if the responsible person cannot pay the fee. Authorizes the court to waive the fee under this section only if the court makes a finding under this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.