

## **BILL ANALYSIS**

Senate Research Center  
76R229 KLA-D

S.B. 743  
By: Shapleigh  
Criminal Justice  
4/16/1999  
As Filed

### **DIGEST**

Currently, Texas law provides that a graffiti offense is a state jail felony if the marking is made on a place of worship or human burial, a public monument, or certain community centers, and the amount of property damage is less than \$20,000. The law does not specifically mention schools, and in some jurisdictions questions have arisen as to whether graffiti offenses involving markings on school buildings are subject to punishment as a state jail felony. S.B. 743 would establish the punishment for certain offenses of graffiti.

### **PURPOSE**

As proposed, S.B. 743 establishes the punishment for the offense of graffiti.

### **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 28.08(d), Penal Code, to provide that an offense under this section is a state jail felony if the marking is made on a school and an institution of higher education. Makes conforming changes.

SECTION 2. Amends Section 28.08(e), Penal Code, to define “institution of higher education” and “school.”

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.