

By: Walle

H.B. No. 1633

A BILL TO BE ENTITLED

AN ACT

relating to certain conditions imposed on defendants convicted of an offense of graffiti or juveniles adjudicated as having engaged in conduct involving graffiti.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11, Article 42.12, Code of Criminal Procedure, is amended by adding Subsection (k) to read as follows:

(k) A court granting community supervision to a defendant convicted of an offense under Section 28.08, Penal Code, shall require as a condition of community supervision that the defendant perform:

(1) at least five hours of community service if the amount of pecuniary loss resulting from the commission of the offense is less than \$50;

(2) at least 15 hours of community service if the amount of pecuniary loss resulting from the commission of the offense is \$50 or more but less than \$500; or

(3) at least 30 hours of community service if the amount of pecuniary loss resulting from the commission of the offense is \$500 or more.

SECTION 2. Section 54.046, Family Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) If a juvenile court orders a child to make restitution

1 under Subsection (a) and the child, child's parent, or other person
2 responsible for the child's support is financially unable to make
3 the restitution, the court may order the child to perform a specific
4 number of hours of community service, in addition to the hours
5 required under Subsection (d), to satisfy the restitution.

6 (d) If a juvenile court places on probation under Section
7 54.04(d) a child adjudicated as having engaged in conduct in
8 violation of Section 28.08, Penal Code, in addition to other
9 conditions of probation, the court shall order the child to
10 perform:

11 (1) at least five hours of community service if the
12 amount of pecuniary loss resulting from the conduct is less than
13 \$50;

14 (2) at least 15 hours of community service if the
15 amount of pecuniary loss resulting from the conduct is \$50 or more
16 but less than \$500; or

17 (3) at least 30 hours of community service if the
18 amount of pecuniary loss resulting from the conduct is \$500 or more.

19 SECTION 3. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 covered by the law in effect when the offense was committed, and the
23 former law is continued in effect for that purpose. For purposes of
24 this section, an offense was committed before the effective date of
25 this Act if any element of the offense was committed before that
26 date.

27 SECTION 4. This Act takes effect September 1, 2009.