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House Bill 1706

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony regarding H.B. 1706. This bill offers a unique opportunity to increase fairness and flexibility in the Penal Code for criminal mischief penalties.

PROBLEM

Under Section 28.03 of the Penal Code, the offense of criminal mischief carries penalties according to a series of escalating monetary thresholds. The penalties go up a ladder of value thresholds from Class C misdemeanors to felonies, with each penalty delineated via the value of the amount of pecuniary loss inflicted during the crime. **These threshold amounts, however, have not been adjusted or indexed for inflation since 1993.**

Inflation in general is the upward price movement of goods and services within an economy. Because of this trend, units of currency become less valuable, as they can purchase fewer goods and services in the economy. **Due to inflation, the penalty grades for criminal mischief offenses may not reflect the actual value of the property that has been damaged or lost** due to increases in prices. Therefore, there is a fundamental disconnect in the Penal Code between the severity of the crime and the severity of the penalty.

KEY FINDINGS: OTHER STATES' EXAMINATION OF PENALTY THRESHOLDS

- **Oregon:** Raised criminal mischief thresholds in 2009.¹
- **Washington:** Raised malicious mischief thresholds in 2009.²
- **California:** Raised financial thresholds for certain property crimes in 2009.³

SOLUTION: SUPPORT H.B. 1706 BY REPRESENTATIVE GUTIERREZ

H.B. 1706 amends penalty thresholds for the first time in over a decade to account for the dynamics of inflation and to more accurately reflect the value of property that has been damaged or lost due to criminal mischief. The proposed penalty ladder amends the Class B misdemeanor threshold from \$50 to \$100.

This is especially important given the following findings:

- According to the United States Department of Labor's Consumer Price Index, consumer goods with a value of \$49 in 1993 are worth \$75.05 today.⁴
- \$49 worth of pecuniary loss in 1993-equivalent dollars is now a Class B misdemeanor.
- Each Class B misdemeanor entails costly incarceration, and requires the appointment of counsel for indigent defendants.

Please consider this information in your analysis of H.B. 1706, and support this bill to increase fairness and flexibility in the Penal Code.

¹ National Conference of State Legislators, *Significant State Sentencing and Corrections Legislation in 2009*. <http://www.ncsl.org/?TabId=19122>.

² Ibid.

³ Ibid.

⁴ http://www.bls.gov/data/inflation_calculator.htm.