

By: Bettencourt

S.B. No. 252

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain criminal offenses, punishments, and  
3 procedures; creating a criminal offense; increasing a criminal  
4 penalty.

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

6 SECTION 1. Title 8, Chapter 39.01, Penal Code is amended as  
7 follows:

8 Sec. 39.01. DEFINITIONS. In this chapter:

9 (2) "Misuse" means to deal with property contrary to:

10 (A) an agreement under which the public servant  
11 holds the property;

12 (B) a contract of employment or oath of office of  
13 a public servant;

14 (C) a law, including provisions of the General  
15 Appropriations Act specifically relating to government property,  
16 that prescribes the manner of custody or disposition of the  
17 property; ~~or~~

18 (D) a limited purpose for which the property is  
19 delivered or received; or

20 (E) the public interest, by storing or  
21 refurbishing non-government personal property, including art work,  
22 at government expense, without public benefit.

23 SECTION 2. Title 8, Chapter 39.015, Penal Code is amended as  
24 follows:

1           Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES  
2 UNDER THIS CHAPTER. [~~With the consent of the appropriate local~~  
3 ~~county or district attorney, the~~] The attorney general has  
4 concurrent jurisdiction with [~~that consenting~~] a local prosecutor  
5 to prosecute an offense under this chapter.

6           SECTION 3. Title 8, Chapter 39.02, Penal Code is amended as  
7 follows:

8           Sec. 39.02. ABUSE OF OFFICIAL CAPACITY. (a) A public  
9 servant commits an offense if, with intent to obtain or bestow a  
10 benefit or with intent to harm or defraud another, he intentionally  
11 or knowingly:

12                   (1) violates a law relating to the public servant's  
13 office or employment; [~~or~~]

14                   (2) misuses government property, services, personnel,  
15 or any other thing of value belonging to the government that has  
16 come into the public servant's custody or possession by virtue of  
17 the public servant's office or employment [~~or~~]; or

18                   (3) misuses non-government personal property or any  
19 other thing of value, including art work, that has come into the  
20 public servant's custody or possession by virtue of the public  
21 servant's office or employment by storing or refurbishing at  
22 government expense, without public benefit.

23           (b) An offense under Subsection (a)(1) is a Class A  
24 misdemeanor.

25           (c) An offense under Subsections (a)(2) and (3) is:

26                   (1) a Class C misdemeanor if the value of the use of  
27 the thing misused is less than \$100;

1           (2) a Class B misdemeanor if the value of the use of  
2 the thing misused is \$100 or more but less than \$750;

3           (3) a Class A misdemeanor if the value of the use of  
4 the thing misused is \$750 or more but less than \$2,500;

5           (4) a state jail felony if the value of the use of the  
6 thing misused is \$2,500 or more but less than \$30,000;

7           (5) a felony of the third degree if the value of the  
8 use of the thing misused is \$30,000 or more but less than \$150,000;

9           (6) a felony of the second degree if the value of the  
10 use of the thing misused is \$150,000 or more but less than \$300,000;  
11 or

12           (7) a felony of the first degree if the value of the  
13 use of the thing misused is \$300,000 or more.

14           SECTION 4. This Act takes effect September 1, 2021.