

## **BILL ANALYSIS**

Senate Research Center

H.B. 2294  
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Criminal Justice  
5/19/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, there is no specific venue statute to address the misapplication of funds (Chapter 32, Penal Code) or for the misapplication of construction trust funds (Chapter 162, Property Code). Current law establishes venue (Chapter 13, Criminal Procedure Code) for criminal cases which determines the county where these cases can be prosecuted.

H.B. 2294 adds a new Article 13.30 to the Code of Criminal Procedure to clarify the county in which the prosecution could occur in cases of misapplication of funds, thus giving prosecutors the ability to choose prosecution in the county where the property is misapplied, or in the county to which the property was removed. This provision would also allow prosecution to occur with the least amount of inconvenience to the victim of the crime.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 13, Code of Criminal Procedure, by adding Article 13.30, as follows:

Art. 13.30. MISAPPLICATION OF CERTAIN PROPERTY. (a) Authorizes an offender who misapplies property held as a fiduciary or property of a financial institution in one county and removes the property to another county to be prosecuted in the county where the offender misapplied the property, in any other county through or into which the offender removed the property, or, as applicable, in the county in which the fiduciary was appointed to serve.

(b) Requires an offense related to misapplication of construction trust funds under Chapter 162 (Construction Payments, Loan Receipts, and Misapplication of Trust Funds), Property Code, to be prosecuted in the county where the construction project is located.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.