

BILL ANALYSIS

H.B. 2294
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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. House Bill 2294 would add a new statute, Code of Criminal Procedure, Article 13.30, in order 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 where the property was removed to. This provision would also allow prosecution to occur with the least amount of inconvenience to the victim of the crime.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2294 expands the Code of Criminal Procedure to enable 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 either county where the offender misapplied the property or in any other county through or into which the offender removed the property. House Bill 2294 requires an offense related to misapplication of construction trust funds under Chapter 162 of the Property Code, to be prosecuted in the county where the construction project is located.

EFFECTIVE DATE

September 1, 2005.