

1-1 By: Cook of Colorado (Senate Sponsor - Armbrister) H.B. No. 2294
1-2 (In the Senate - Received from the House April 28, 2005;
1-3 April 29, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 20, 2005, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the venue for certain crimes regarding misapplication
1-9 of property.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 13, Code of Criminal Procedure, is
1-12 amended by adding Article 13.30 to read as follows:

1-13 Art. 13.30. MISAPPLICATION OF CERTAIN PROPERTY. (a) An
1-14 offender who misapplies property held as a fiduciary or property of
1-15 a financial institution in one county and removes the property to
1-16 another county may be prosecuted in the county where the offender
1-17 misapplied the property, in any other county through or into which
1-18 the offender removed the property, or, as applicable, in the county
1-19 in which the fiduciary was appointed to serve.

1-20 (b) An offense related to misapplication of construction
1-21 trust funds under Chapter 162, Property Code, must be prosecuted in
1-22 the county where the construction project is located.

1-23 SECTION 2. The change in law made by this Act applies only
1-24 to an offense committed on or after the effective date of this Act.
1-25 An offense committed before the effective date of this Act is
1-26 covered by the law in effect when the offense was committed, and the
1-27 former law is continued in effect for that purpose. For purposes of
1-28 this section, an offense was committed before the effective date of
1-29 this Act if any element of the offense was committed before that
1-30 date.

1-31 SECTION 3. This Act takes effect September 1, 2005.

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