

BILL ANALYSIS

Senate Research Center

S.B. 563
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not provide for the attorney general to seek concurrent jurisdiction over a matter involving the unlawful appropriation of state property, in the same way that is provided to the attorney general for a matter of Medicaid fraud, in the event that a local prosecutor chooses not to pursue, or is prevented from pursuing, such a case.

S.B. 563 authorizes the attorney general to seek concurrent jurisdiction with the consent of the local prosecutor in certain cases of theft or fraud.

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 1, Penal Code, by adding Section 1.09, as follows:

Sec. 1.09. CONCURRENT JURISDICTION UNDER THIS CODE TO PROSECUTE OFFENSES THAT INVOLVE STATE PROPERTY. Provides that, with the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute under this code any offense an element of which occurs on state property or any offense that involves the use, unlawful appropriation, or misapplication of state property, including state funds.

SECTION 2. Amends Chapter 39, Penal Code, by adding Section 39.015, as follows:

Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES UNDER THIS CHAPTER. Provides that, with the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this chapter.

SECTION 3. Amends Section 39.04(b), Penal Code, to provide an exception to an offense under Subsection (a)(2) is a state jail felony to provide that the offense is a felony of the second degree if the offense is committed against a juvenile offender detained in or committed to a correctional facility the operation of which is financed primarily with state funds.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2007.