

BILL ANALYSIS

C.S.S.B. 563
By: Ogden
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not provide for the attorney general to seek concurrent jurisdiction over certain matters involving state property or abuse of office in the event that a local prosecutor chooses not to pursue, or is prevented from pursuing, such a case.

As proposed, C.S.S.B. 563 authorizes the attorney general to seek concurrent jurisdiction with the consent of the local prosecutor in certain cases involving the use, unlawful appropriation, or misapplication of state property; offenses which have an element of the offense occur on state property; or cases arising under Chapter 39, Penal Code, which deal with abuse of office. The bill also increases the penalty for the offense of improper sexual activity with a person in custody under Section 39.04(a)(2), Penal Code, 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.

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

C.S.S.B. 563 amends the Penal Code to provide 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 any offense under this code 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. The bill also 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 Chapter 39, Penal Code. The bill provides that an offense under Section 39.04(a)(2), Penal Code, is a felony of the third 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. Makes application of Section 3 of this Act prospective.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds Section 1.09, Penal Code, to provide 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 any offense under this code 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.

The substitute does not amend Sections 31.03 and 32.45, Penal Code; whereas, the engrossed bill added the words, "or the unlawful appropriation of state property, including state funds" to each section.