

By: Ogden, Hinojosa

S.B. No. 563

A BILL TO BE ENTITLED

AN ACT

1
2 relating to assistance by the attorney general in the prosecution
3 of certain offenses involving the unlawful appropriation or
4 misapplication of state property or unlawful conduct in certain
5 state-funded facilities; providing a criminal penalty.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subsection (j), Section 31.03, Penal Code, is
8 amended to read as follows:

9 (j) With the consent of the appropriate local county or
10 district attorney, the attorney general has concurrent
11 jurisdiction with that consenting local prosecutor to prosecute an
12 offense under this section that involves the state Medicaid program
13 or the unlawful appropriation of state property, including state
14 funds.

15 SECTION 2. Subsection (e), Section 32.45, Penal Code, is
16 amended to read as follows:

17 (e) With the consent of the appropriate local county or
18 district attorney, the attorney general has concurrent
19 jurisdiction with that consenting local prosecutor to prosecute an
20 offense under this section that involves the state Medicaid program
21 or the misapplication of state property, including state funds.

22 SECTION 3. Chapter 39, Penal Code, is amended by adding
23 Section 39.015 to read as follows:

24 Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES

1 UNDER THIS CHAPTER. With the consent of the appropriate local
2 county or district attorney, the attorney general has concurrent
3 jurisdiction with that consenting local prosecutor to prosecute an
4 offense under this chapter.

5 SECTION 4. Subsection (b), Section 39.04, Penal Code, is
6 amended to read as follows:

7 (b) An offense under Subsection (a)(1) is a Class A
8 misdemeanor. An offense under Subsection (a)(2) is a state jail
9 felony, except that the offense is a felony of the third degree if
10 the offense is committed against a juvenile offender detained in or
11 committed to a correctional facility the operation of which is
12 financed primarily with state funds.

13 SECTION 5. The change in law made by Section 4 of this Act
14 applies only to an offense committed on or after the effective date
15 of this Act. An offense committed before the effective date of this
16 Act is covered by the law in effect when the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense was
20 committed before that date.

21 SECTION 6. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.