

AN ACT

relating to assistance by the attorney general in the prosecution of certain offenses involving the use, unlawful appropriation, or misapplication of state property or unlawful conduct in certain state-funded facilities or on other state property; providing a criminal penalty.

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

SECTION 1. Chapter 1, Penal Code, is amended by adding Section 1.09 to read as follows:

Sec. 1.09. CONCURRENT JURISDICTION UNDER THIS CODE TO PROSECUTE OFFENSES THAT INVOLVE STATE PROPERTY. 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. Chapter 39, Penal Code, is amended by adding Section 39.015 to read as follows:

Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES UNDER THIS CHAPTER. 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.

1 SECTION 3. Subsection (b), Section 39.04, Penal Code, is
2 amended to read as follows:

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

9 SECTION 4. The change in law made by Section 3 of this Act
10 applies only to an offense committed on or after the effective date
11 of this Act. An offense committed before the effective date of this
12 Act is covered by the law in effect when the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense was
16 committed before that date.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 563 passed the Senate on March 22, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 18, 2007, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 563 passed the House, with amendments, on May 15, 2007, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor