

By: Ogden, et al.

S.B. No. 563

Substitute the following for S.B. No. 563:

By: Pena

C.S.S.B. No. 563

A BILL TO BE ENTITLED

1

AN ACT

2 relating to assistance by the attorney general in the prosecution
3 of certain offenses involving the use, unlawful appropriation, or
4 misapplication of state property or unlawful conduct in certain
5 state-funded facilities or on other state property.

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

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

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

17 SECTION 2. Chapter 39, Penal Code, is amended by adding
18 Section 39.015 to read as follows:

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

24 SECTION 3. Subsection (b), Section 39.04, Penal Code, is

1 amended to read as follows:

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

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

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