

By: Madden

H.B. No. 1869

Substitute the following for H.B. No. 1869:

By: Miklos

C.S.H.B. No. 1869

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a determination of value for purposes of punishment of  
3 the offense of abuse of official capacity.

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

5 SECTION 1. Section 39.02, Penal Code, is amended by adding  
6 Subsections (e) and (f) to read as follows:

7 (e) If separate transactions that violate Subsection (a)(2)  
8 are conducted pursuant to one scheme or continuing course of  
9 conduct, the conduct may be considered as one offense and the value  
10 of the use of the things misused in the transactions may be  
11 aggregated in determining the classification of the offense.

12 (f) The value of the use of a thing of value misused under  
13 Subsection (a)(2) may not exceed:

14 (1) the fair market value of the thing at the time of  
15 the offense; or

16 (2) if the fair market value of the thing cannot be  
17 ascertained, the cost of replacing the thing within a reasonable  
18 time after the offense.

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 covered by the law in effect when the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of

1 this Act if any element of the offense occurred before that date.

2 SECTION 3. This Act takes effect September 1, 2009.