87R5924 TYPED

By:  Bettencourt S.B. No. 252

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal offenses, punishments, and procedures; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1.  Title 8, Chapter 39.01, Penal Code is amended as follows:

Sec. 39.01.  DEFINITIONS. In this chapter:

(2)  "Misuse" means to deal with property contrary to:

(A)  an agreement under which the public servant holds the property;

(B)  a contract of employment or oath of office of a public servant;

(C)  a law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; [~~or~~]

(D)  a limited purpose for which the property is delivered or received; or

(E)  the public interest, by storing or refurbishing non-government personal property, including art work, at government expense, without public benefit.

SECTION 2.  Title 8, Chapter 39.015, Penal Code is amended 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~~] The attorney general has concurrent jurisdiction with [~~that consenting~~] a local prosecutor to prosecute an offense under this chapter.

SECTION 3.  Title 8, Chapter 39.02, Penal Code is amended as follows:

Sec. 39.02.  ABUSE OF OFFICIAL CAPACITY. (a) A public servant commits an offense if, with intent to obtain or bestow a benefit or with intent to harm or defraud another, he intentionally or knowingly:

(1)  violates a law relating to the public servant's office or employment; [~~or~~]

(2)  misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment[~~.~~]; or

(3)  misuses non-government personal property or any other thing of value, including art work, that has come into the public servant's custody or possession by virtue of the public servant's office or employment by storing or refurbishing at government expense, without public benefit.

(b)  An offense under Subsection (a)(1) is a Class A misdemeanor.

(c)  An offense under Subsections (a)(2) and (3) is:

(1)  a Class C misdemeanor if the value of the use of the thing misused is less than $100;

(2)  a Class B misdemeanor if the value of the use of the thing misused is $100 or more but less than $750;

(3)  a Class A misdemeanor if the value of the use of the thing misused is $750 or more but less than $2,500;

(4)  a state jail felony if the value of the use of the thing misused is $2,500 or more but less than $30,000;

(5)  a felony of the third degree if the value of the use of the thing misused is $30,000 or more but less than $150,000;

(6)  a felony of the second degree if the value of the use of the thing misused is $150,000 or more but less than $300,000; or

(7)  a felony of the first degree if the value of the use of the thing misused is $300,000 or more.

SECTION 4.  This Act takes effect September 1, 2021.