

1-1 By: Hughes, Middleton S.B. No. 1195
1-2 (In the Senate - Filed February 24, 2023; March 9, 2023,
1-3 read first time and referred to Committee on State Affairs;
1-4 May 2, 2023 rereferred to Committee on Jurisprudence; May 3, 2023,
1-5 reported favorably by the following vote: Yeas 3, Nays 2;
1-6 May 3, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12		X		
1-13	X			

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the duty of the attorney general to prosecute certain
1-17 criminal offenses.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Chapter 402, Government Code, is amended by
1-20 adding Subchapter D to read as follows:

1-21 SUBCHAPTER D. PROSECUTION OF CERTAIN CRIMINAL OFFENSES

1-22 Sec. 402.101. APPLICABILITY. This subchapter applies to a
1-23 criminal offense under:

1-24 (1) the Election Code;

1-25 (2) Chapter 170A or 171, Health and Safety Code; or

1-26 (3) Chapter 20A, 36, or 39, Penal Code.

1-27 Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.

1-28 (a) A law enforcement agency that submits to a local prosecuting
1-29 attorney a report stating there is probable cause to believe an
1-30 identified person has committed a criminal offense described by
1-31 Section 402.101 shall simultaneously provide a copy of that report
1-32 to the attorney general.

1-33 (b) On request of the attorney general, a local prosecuting
1-34 attorney or law enforcement agency shall provide information
1-35 regarding investigations of criminal offenses described by Section
1-36 402.101 to assist the attorney general in performing duties
1-37 required under this subchapter.

1-38 Sec. 402.103. PROSECUTION. Notwithstanding any other law,
1-39 the attorney general has jurisdiction to prosecute and shall
1-40 prosecute a criminal offense described by Section 402.101 if:

1-41 (1) a law enforcement agency submits a report
1-42 described by Section 402.102(a) to the local prosecuting attorney
1-43 and the attorney general; and

1-44 (2) six months have elapsed from the date the report
1-45 was submitted and the local prosecuting attorney has not initiated
1-46 proceedings to prosecute the offense.

1-47 SECTION 2. Sections 273.021(a) and (b), Election Code, are
1-48 amended to read as follows:

1-49 (a) The attorney general shall ~~may~~ prosecute a criminal
1-50 offense prescribed by the election laws of this state as provided by
1-51 Subchapter D, Chapter 402, Government Code.

1-52 (b) The attorney general may appear before a grand jury in
1-53 connection with a criminal ~~an~~ offense the attorney general is
1-54 required ~~authorized~~ to prosecute under Subsection (a).

1-55 SECTION 3. Section 273.022, Election Code, is amended to
1-56 read as follows:

1-57 Sec. 273.022. COOPERATION WITH LOCAL PROSECUTOR. The
1-58 attorney general may direct the county or district attorney serving
1-59 the county in which the offense is to be prosecuted to prosecute a
1-60 criminal ~~an~~ offense that the attorney general is required
1-61 ~~authorized~~ to prosecute under Section 273.021 or to assist the

2-1 attorney general in the prosecution.

2-2 SECTION 4. The changes in law made by this Act apply only to
2-3 an offense committed on or after the effective date of this Act. An
2-4 offense committed before the effective date of this Act is governed
2-5 by the law in effect on the date the offense was committed, and the
2-6 former law is continued in effect for that purpose. For purposes of
2-7 this section, an offense was committed before the effective date of
2-8 this Act if any element of the offense occurred before that date.

2-9 SECTION 5. This Act takes effect September 1, 2023.

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