

By: Bettencourt

S.B. No. 1908

A BILL TO BE ENTITLED

AN ACT

relating to the concurrent jurisdiction of prosecuting attorneys in adjoining districts or counties to prosecute criminal offenses involving the election laws in this state.

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

SECTION 1. Chapter 273, Election Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. CONCURRENT JURISDICTION OF PROSECUTING ATTORNEY IN ADJOINING DISTRICT OR COUNTY

Sec. 273.101. DEFINITION. In this subchapter, "prosecuting attorney" means a district attorney, criminal district attorney, or county attorney with criminal jurisdiction.

Sec. 273.102. CONCURRENT JURISDICTION. (a) Notwithstanding any other law, a prosecuting attorney with the authority to prosecute a felony or misdemeanor involving the election laws of this state in the prosecuting attorney's county or district has, in an adjoining county or district, as applicable, concurrent jurisdiction with the prosecuting attorney of the adjoining county or district who prosecutes that class of offense to prosecute an offense of that class involving the election laws of this state.

(b) If not more than three prosecuting attorneys have jurisdiction to prosecute an offense under Subsection (a), a prosecuting attorney in a county or district, as applicable,

1 adjacent to a county or district that is adjacent to the county or
2 district in which the offense was committed has concurrent
3 jurisdiction with the prosecuting attorney in the county or
4 district in which the offense was committed who prosecutes that
5 class of offense to prosecute an offense of that class involving the
6 election laws of this state.

7 Sec. 273.103. PROSECUTION FOR SAME OFFENSE OR OFFENSE
8 ARISING FROM SAME CRIMINAL EPISODE PROHIBITED. After a prosecuting
9 attorney commences a criminal action involving the election laws of
10 this state, another prosecuting attorney with jurisdiction over the
11 matter, including concurrent jurisdiction described by Section
12 273.102, may assist in prosecuting the action but may not commence a
13 criminal action for the same offense or another offense arising
14 from the same criminal episode, as defined by Section 3.01, Penal
15 Code.

16 SECTION 2. This Act takes effect September 1, 2023.