

By: Shaheen

H.B. No. 5138

A BILL TO BE ENTITLED

AN ACT

relating to the duty of the attorney general to prosecute criminal offenses prescribed by the election laws of this state.

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

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

SUBCHAPTER D. PROSECUTION OF CRIMINAL OFFENSES PRESCRIBED BY STATE ELECTION LAWS

Sec. 402.101. APPLICABILITY. This subchapter applies to a criminal offense under the Election Code.

Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.

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

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

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

1           (1) a law enforcement agency submits a report  
2 described by Section 402.102(a) to the local prosecuting attorney  
3 and the attorney general; and

4           (2) six months have elapsed from the date the report  
5 was submitted and the local prosecuting attorney has not initiated  
6 proceedings to prosecute the offense.

7           SECTION 2. Sections 273.021(a) and (b), Election Code, are  
8 amended to read as follows:

9           (a) The attorney general shall ~~[may]~~ prosecute a criminal  
10 offense prescribed by the election laws of this state as provided by  
11 Subchapter D, Chapter 402, Government Code.

12           (b) The attorney general may appear before a grand jury in  
13 connection with a criminal ~~[an]~~ offense the attorney general is  
14 required ~~[authorized]~~ to prosecute under Subsection (a).

15           SECTION 3. Section 273.022, Election Code, is amended to  
16 read as follows:

17           Sec. 273.022. COOPERATION WITH LOCAL PROSECUTOR. The  
18 attorney general may direct the county or district attorney serving  
19 the county in which the offense is to be prosecuted to prosecute a  
20 criminal ~~[an]~~ offense that the attorney general is required  
21 ~~[authorized]~~ to prosecute under Section 273.021 or to assist the  
22 attorney general in the prosecution.

23           SECTION 4. The changes in law made by this Act apply only to  
24 an offense committed on or after the effective date of this Act. An  
25 offense committed before the effective date of this Act is governed  
26 by the law in effect on the date the offense was committed, and the  
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of  
2 this Act if any element of the offense occurred before that date.

3 SECTION 5. This Act takes effect September 1, 2025.