

By: Hefner

H.B. No. 138

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for committing certain offenses relating to elections.

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

SECTION 1. Section 64.012(b), Election Code, as effective December 2, 2021, is amended to read as follows:

(b) An offense under this section is a felony of the second degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony [~~Class A misdemeanor~~].

SECTION 2. Section 276.013(b), Election Code, as effective December 2, 2021, is amended to read as follows:

(b) An offense under this section is a Class A misdemeanor, unless[+]

[~~(1)~~] the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a state jail felony[~~, or~~

[~~(2) the person is convicted of an attempt, in which case the offense is a Class B misdemeanor~~].

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of 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 4. This Act takes effect on the 91st day after the
3 last day of the legislative session.