

## **BILL ANALYSIS**

C.S.H.B. 5053  
By: DeAyala  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The ability to prosecute election offenses is an important part of ensuring that elections are conducted in a fair manner, yet concerns have been raised across Texas regarding prosecutors refusing to pursue prosecution of those offenses. In most cases, current law requires election offenses to be prosecuted in the county in which they occur. However, election offenses can carry a great deal of political contention and deserve to be heard in an unbiased venue. Additionally, the court of criminal appeals recently held that the Office of the Attorney General does not have the authority to pursue these crimes. C.S.H.B. 5053 seeks to help ensure a fair and unbiased venue for such prosecution by authorizing an election offense to be prosecuted in a county or judicial district other than that in which the offense occurred.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 5053 amends the Code of Criminal Procedure to authorize an offense under the Election Code or an offense otherwise related to an election conducted in Texas to be prosecuted as follows:

- for a felony offense, in a judicial district adjoining the judicial district in which the offense occurred; and
- for a misdemeanor offense, in a county adjoining the county in which the offense occurred.

C.S.H.B. 5053 repeals Section 273.024, Election Code, which authorizes an election offense prosecuted by the attorney general to be prosecuted in the county in which the offense was committed, an adjoining county, or Travis County, as applicable.

C.S.H.B. 5053 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

### **EFFECTIVE DATE**

September 1, 2023.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 5053 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute repeals an Election Code provision establishing the venue where the attorney general is authorized to prosecute an election offense, whereas the introduced did not repeal that provision.