

BILL ANALYSIS

S.B. 2208
By: Parker
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires election-related offenses to be prosecuted in the county in which they occur. The Court of Criminal Appeals recently held that the Attorney General can only prosecute election-related offenses with the permission of the local prosecutor. As a result of this ruling, a circumstance may arise where a local prosecutor refuses to prosecute an election-related offense, does not grant permission for the Attorney General to prosecute the offense, and, thereby, prevents prosecution of the offense under state law. S.B. 2208 seeks to address this issue by allowing an election offense to be prosecuted in either the county where the offense occurred or in an adjoining judicial district.

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

S.B. 2208 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.

S.B. 2208 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.