By:  Hughes, Middleton S.B. No. 1195

(In the Senate - Filed February 24, 2023; March 9, 2023, read first time and referred to Committee on State Affairs; May 2, 2023 rereferred to Committee on Jurisprudence; May 3, 2023, reported favorably by the following vote: Yeas 3, Nays 2; May 3, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hughes            X

Johnson                  X

Creighton            X

Hinojosa                 X

Middleton            X

A BILL TO BE ENTITLED

AN ACT

relating to the duty of the attorney general to prosecute certain criminal offenses.

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 CERTAIN CRIMINAL OFFENSES

Sec. 402.101.  APPLICABILITY. This subchapter applies to a criminal offense under:

(1)  the Election Code;

(2)  Chapter 170A or 171, Health and Safety Code; or

(3)  Chapter 20A, 36, or 39, Penal 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 provide 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)  a law enforcement agency submits a report described by Section 402.102(a) to the local prosecuting attorney and the attorney general; and

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

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

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

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

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

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

SECTION 4.  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 this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2023.

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