

By: Hopper

H.B. No. 98

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain election offenses.

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

SECTION 1. Article [2A.105](#), Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A judge of a court in which a district or county attorney represents the state shall declare the attorney disqualified for purposes of Article [2A.104](#) with respect to a criminal case or proceeding involving the election laws of this state, on a showing that the attorney has adopted a policy or practice, or is following or enforcing a policy or practice, under which the attorney consistently refuses or declines to prosecute a violation of the election laws of this state.

SECTION 2. Section [273.021](#), Election Code, is amended by adding Subsection (d) to read as follows:

(d) In accordance with an appointment made under Article [2A.104](#)(b), the attorney general may prosecute a criminal offense prescribed by the election laws of this state on the disqualification of a district or county attorney under Article [2A.105](#)(d), Code of Criminal Procedure.

SECTION 3. The changes in law made by this Act apply only to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is governed by the law in effect on

1 the date the offense was committed, and the former law is continued
2 in effect for that purpose. For purposes of this section, an
3 offense was committed before the effective date of this Act if any
4 element of the offense occurred before that date.

5 SECTION 4. This Act takes effect September 1, 2025.