

RESOLUTION ANALYSIS

H.J.R. 1
By: Shaheen
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In *State v. Stephens* (2021), the Texas Court of Criminal Appeals held that current Election Code provisions authorizing the attorney general to prosecute election law violations were invalid. Several state statutes authorize the attorney general to prosecute specified types of criminal cases with the consent of the local prosecutor. As state senators argued in an amicus brief filed with the court urging it to rehear *Stephens* argued, "[a]s an elected official, a [local] district attorney may have challenges prosecuting members of the district in a highly politicized environment." State representatives (with others) noted in an amicus brief urging rehearing that the Fifth Court of Appeals recognized in its decision in *Medrano v. State* (2014), that there may be "politically sensitive cases in which it is advisable for the Attorney General to step in because local prosecutors might be discouraged from acting." Thus, the attorney general's lack of jurisdiction can pose threats to election integrity, especially when local prosecutors decline to prosecute Election Code violations. H.J.R. 1 seeks to resolve this issue by granting the attorney general the power to prosecute election crimes independently of local prosecutors.

CRIMINAL JUSTICE IMPACT

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

ANALYSIS

H.J.R. 1 proposes an amendment to the Texas Constitution to establish that the attorney general has concurrent jurisdiction with each county or district attorney to represent the state in the prosecution of a criminal offense prescribed by state election laws.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held May 2, 2026.