

BILL ANALYSIS

H.B. 5354
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2024, an article by Professor Adam M. Gershowitz of William & Mary Law School indicated that there is a prosecutor vacancy crisis in the United States due to low salaries, increased caseloads, lack of remote work options, and discovery burdens. The bill author has informed the committee that there is a lack of awareness in our state about the extent of a vacancy crisis in Texas. H.B. 5354 seeks to obtain data on caseloads and staffing for the purpose of better understanding the needs of district attorneys throughout Texas.

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

H.B. 5354 amends the Government Code to require each prosecuting attorney to report in the form and manner prescribed by the Texas Judicial Council (TJC) information on the following:

- the categories of criminal offenses prosecuted by the prosecuting attorney and the number of criminal cases in each category;
- the number of personnel employed by the prosecuting attorney and whether that number is sufficient to support the prosecutor's caseload;
- the number of times a defendant was released as provided by the Code of Criminal Procedure because of a delay due to the state not being ready for trial; and
- the number of electronic notices submitted by the prosecuting attorney to a court for purposes of reevaluating the bail decision of a defendant charged with committing another felony offense while released on bail for a pending felony offense when the subsequent offense was committed in a different county.

The bill defines a "prosecuting attorney" for these purposes as a county attorney, district attorney, or criminal district attorney representing the state in criminal matters before the district or other courts of the county.

H.B. 5354 requires the TJC to do the following:

- in prescribing the information to be submitted by a prosecuting attorney and the form and manner of submission of that information, consult with the Texas District and County Attorneys Association and other interested persons; and
- not later than September 1, 2026, prescribe the information and the form and manner of submission.

EFFECTIVE DATE

September 1, 2025.