

1-1 By: Shaheen, et al. (Senate Sponsor - Hughes) H.B. No. 5138
1-2 (In the Senate - Received from the House May 12, 2025;
1-3 May 13, 2025, read first time and referred to Committee on State
1-4 Affairs; May 25, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
1-6 May 25, 2025, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|--------------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | Hughes | X | | |
| 1-10 | Paxton | X | | |
| 1-11 | Bettencourt | X | | |
| 1-12 | Birdwell | X | | |
| 1-13 | Hall | X | | |
| 1-14 | Hinojosa of Nueces | X | | |
| 1-15 | Middleton | X | | |
| 1-16 | Parker | X | | |
| 1-17 | Perry | | X | |
| 1-18 | Schwertner | | X | |
| 1-19 | Zaffirini | X | | |

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 5138 By: Hughes

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the duty of the attorney general to prosecute criminal
1-24 offenses prescribed by the election laws of this state.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 402, Government Code, is amended by
1-27 adding Subchapter D to read as follows:

1-28 SUBCHAPTER D. PROSECUTION OF CRIMINAL OFFENSES PRESCRIBED BY STATE
1-29 ELECTION LAWS

1-30 Sec. 402.101. APPLICABILITY. This subchapter applies to a
1-31 criminal offense under the Election Code.

1-32 Sec. 402.102. PROVISION OF INFORMATION TO ATTORNEY GENERAL.

1-33 (a) A law enforcement agency shall submit to the attorney general
1-34 any report stating there is probable cause to believe an identified
1-35 person has committed a criminal offense described by Section
1-36 402.101.

1-37 (b) A local prosecuting attorney or law enforcement agency
1-38 shall provide any information requested by the attorney general
1-39 regarding investigations of criminal offenses described by Section
1-40 402.101 to assist the attorney general in performing duties
1-41 required under this subchapter.

1-42 Sec. 402.103. PROSECUTION. Notwithstanding any other law,
1-43 the attorney general has jurisdiction to prosecute and shall
1-44 represent the state in the prosecution of a criminal offense
1-45 described by Section 402.101.

1-46 SECTION 2. Sections 273.021(a) and (b), Election Code, are
1-47 amended to read as follows:

1-48 (a) The attorney general has jurisdiction to [may]
1-49 prosecute and shall represent the state in the prosecution of a
1-50 criminal offense prescribed by the election laws of this state as
1-51 provided by Subchapter D, Chapter 402, Government Code.

1-52 (b) The attorney general may appear before a grand jury in
1-53 connection with a criminal [an] offense the attorney general is
1-54 authorized to prosecute under Subsection (a).

1-55 SECTION 3. Section 273.022, Election Code, is amended to
1-56 read as follows:

1-57 Sec. 273.022. COOPERATION WITH LOCAL PROSECUTOR. The
1-58 attorney general may direct the county or district attorney serving
1-59 the county in which the offense is to be prosecuted to prosecute a
1-60 criminal [an] offense that the attorney general is authorized to

2-1 prosecute under Section 273.021 or to assist the attorney general
2-2 in the prosecution.
2-3 SECTION 4. The changes in law made by this Act apply only to
2-4 an offense committed on or after the effective date of this Act. An
2-5 offense committed before the effective date of this Act is governed
2-6 by the law in effect on the date the offense was committed, and the
2-7 former law is continued in effect for that purpose. For purposes of
2-8 this section, an offense was committed before the effective date of
2-9 this Act if any element of the offense occurred before that date.
2-10 SECTION 5. This Act takes effect September 1, 2026.

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