

1-1 By: Hughes S.B. No. 1861
1-2 (In the Senate - Filed March 4, 2025; March 17, 2025, read
1-3 first time and referred to Committee on State Affairs; May 5, 2025,
1-4 reported favorably by the following vote: Yeas 9, Nays 1;
1-5 May 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18		X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the appointment of a special prosecutor by the court of
1-22 criminal appeals for certain criminal cases.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 2A, Code of Criminal
1-25 Procedure, is amended by adding Article 2A.112 to read as follows:

1-26 Art. 2A.112. APPOINTMENT OF SPECIAL PROSECUTOR FOR CERTAIN
1-27 CASES. (a) In this article, "prosecuting attorney" means a
1-28 district attorney, criminal district attorney, or county attorney
1-29 with criminal jurisdiction.

1-30 (b) A law enforcement agency that investigates an offense
1-31 prescribed by the election laws of this state may present to the
1-32 court of criminal appeals a report that includes the
1-33 investigation's findings and a description of any evidence obtained
1-34 as a result of the investigation.

1-35 (c) On receipt of a report under Subsection (b), the court
1-36 of criminal appeals shall appoint a special prosecutor to:

1-37 (1) review the report; and

1-38 (2) make a determination to:

1-39 (A) bring a criminal action based on the report;

1-40 (B) decline to bring the action described by
1-41 Paragraph (A); or

1-42 (C) request that the law enforcement agency
1-43 pursue further investigation.

1-44 (d) To be eligible to be appointed as a special prosecutor
1-45 under this article, a person must:

1-46 (1) be a prosecuting attorney who serves an area that
1-47 does not overlap with the area served by the law enforcement agency
1-48 who presented the report, unless the law enforcement agency has
1-49 statewide jurisdiction; and

1-50 (2) have the appropriate experience to ensure
1-51 competent representation of the state in any legal proceeding with
1-52 respect to the offense that is the subject of the report.

1-53 SECTION 2. This Act takes effect September 1, 2025.

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