

By: Schofield

H.B. No. 4178

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the supreme court and the court of criminal appeals.

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

SECTION 1. Section 22.002, Government Code, is amended by adding Subsection (f) to read as follows:

(f) If the court of criminal appeals finds that a statute, rule, or procedure is unconstitutional, the supreme court, on the petition of the attorney general or a district or county attorney, has original civil jurisdiction to issue writs of quo warranto and mandamus to correct any error in the court of criminal appeals' decision. The jurisdiction granted by this subsection applies regardless of whether the decision of the court of criminal appeals is:

(1) based on the state constitution, federal constitution, or both;

(2) characterized as criminal or civil; or

(3) characterized as final or nonfinal.

SECTION 2. Subchapter B, Chapter 22, Government Code, is amended by adding Section 22.1025 to read as follows:

Sec. 22.1025. CONSTITUTIONAL RULINGS. (a) A decision by the court of criminal appeals that a statute, rule, or procedure violates the state or federal constitution is not final and has no effect until the later of:

1           (1) the 60th day after the date of the decision; or  
2           (2) the denial or dismissal of a petition filed in the  
3 supreme court as provided by Section [22.002\(f\)](#).

4           (b) This section is adopted under the legislative authority  
5 provided by Section 5(a), Article V, Texas Constitution.

6           SECTION 3. This Act applies to any decision issued by the  
7 court of criminal appeals on or after September 1, 2023.

8           SECTION 4. This Act takes effect September 1, 2023.