

By: Schofield

H.B. No. 4187

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the Texas Supreme Court and the Court of Criminal Appeals.

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

SECTION 1. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The Court of Criminal Appeals;
2. The Texas Supreme Court in questions certified under Section 3, Article 4.04;
3. Courts of appeals;
4. [~~3.~~] The district courts;
5. [~~4.~~] The criminal district courts;
6. [~~5.~~] The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;
7. [~~6.~~] The county courts;
8. [~~7.~~] All county courts at law with criminal jurisdiction;
9. [~~8.~~] County criminal courts;
10. [~~9.~~] Justice courts;

- 1 11. [~~10.~~] Municipal courts;
- 2 12. [~~11.~~] The magistrates appointed by the judges of
3 the district courts of Lubbock County;
- 4 13. [~~12.~~] The magistrates appointed by the El Paso
5 Council of Judges;
- 6 14. [~~13.~~] The magistrates appointed by the Collin
7 County Commissioners Court;
- 8 15. [~~14.~~] The magistrates appointed by the Brazoria
9 County Commissioners Court or the local administrative judge for
10 Brazoria County; and
- 11 16. [~~15.~~] The magistrates appointed by the judges of
12 the district courts of Tom Green County.

13 SECTION 2. Article 4.04, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 4.04. COURT OF CRIMINAL APPEALS

16 Sec. 1. Except as provided by Section 3, the [~~The~~] Court of
17 Criminal Appeals and each judge thereof shall have, and is hereby
18 given, the power and authority to grant and issue and cause the
19 issuance of writs of habeas corpus, and, in criminal law matters,
20 the writs of mandamus, procedendo, prohibition, and certiorari.
21 The court and each judge thereof shall have, and is hereby given,
22 the power and authority to grant and issue and cause the issuance of
23 such other writs as may be necessary to protect its jurisdiction or
24 enforce its judgments.

25 Sec. 2. Except as provided by Section 3, the [~~The~~] Court of
26 Criminal Appeals shall have, and is hereby given, final appellate
27 and review jurisdiction in criminal cases coextensive with the

1 limits of the state, and its determinations shall be final. The
2 appeal of all cases in which the death penalty has been assessed
3 shall be to the Court of Criminal Appeals. In addition, the Court
4 of Criminal Appeals may, on its own motion, with or without a
5 petition for such discretionary review being filed by one of the
6 parties, review any decision of a court of appeals in a criminal
7 case other than a question described by Section 3. Discretionary
8 review by the Court of Criminal Appeals is not a matter of right,
9 but of sound judicial discretion.

10 Sec. 3. If the Court of Criminal Appeals determines that a
11 petition or appeal presents a question regarding the interpretation
12 of a provision of the Texas Constitution, the court may not issue an
13 order on the petition or in the appeal before first certifying the
14 question to the Texas Supreme Court and receiving an answer. The
15 Texas Supreme Court's determination on a question certified to that
16 court under this section is final and binding on the Court of
17 Criminal Appeals.

18 SECTION 3. Section 22.001, Government Code, is amended by
19 amending Subsection (a) and adding Subsection (a-1) to read as
20 follows:

21 (a) The supreme court has appellate jurisdiction, except in
22 criminal law matters other than a question certified under Section
23 3, Article 4.04, Code of Criminal Procedure, of an appealable order
24 or judgment of the trial courts if the court determines that the
25 appeal presents a question of law that is important to the
26 jurisprudence of the state. The supreme court's jurisdiction does
27 not include cases in which the jurisdiction of the court of appeals

1 is made final by statute.

2 (a-1) The supreme court has jurisdiction to finally
3 determine questions regarding the interpretation of a provision of
4 the Texas Constitution certified to the court by the court of
5 criminal appeals under Section 3, Article 4.04, Code of Criminal
6 Procedure.

7 SECTION 4. The changes in law made by this Act apply to a
8 petition or appeal filed in the court of criminal appeals on or
9 after the effective date of this Act. A petition or appeal filed in
10 the court of criminal appeals before the effective date of this Act
11 is governed by the law in effect on the date the petition or appeal
12 was filed, and the former law is continued in effect for that
13 purpose.

14 SECTION 5. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2023.