

1-1 By: Whitmire S.B. No. 402  
1-2 (In the Senate - Filed January 12, 2023; February 15, 2023,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 9, 2023, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 9, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the preference given by trial courts to hearings and  
1-18 trials for murder and capital murder offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section [23.101\(a\)](#), Government Code, is amended  
1-21 to read as follows:

1-22 (a) Except as provided by Subsection (b-1), the trial courts  
1-23 of this state shall regularly and frequently set hearings and  
1-24 trials of pending matters, giving preference to hearings and trials  
1-25 of the following:

1-26 (1) temporary injunctions;

1-27 (2) criminal actions, with the following actions given  
1-28 preference over other criminal actions:

1-29 (A) criminal actions against defendants who are  
1-30 detained in jail pending trial;

1-31 (B) criminal actions involving a charge that a  
1-32 person committed an act of family violence, as defined by Section  
1-33 [71.004](#), Family Code;

1-34 (C) an offense under:

1-35 (i) Section [19.02](#), [19.03](#), [21.02](#), or [21.11](#),  
1-36 Penal Code;

1-37 (ii) Chapter [22](#), Penal Code, if the victim  
1-38 of the alleged offense is younger than 17 years of age;

1-39 (iii) Section [25.02](#), Penal Code, if the  
1-40 victim of the alleged offense is younger than 17 years of age;

1-41 (iv) Section [25.06](#), Penal Code;

1-42 (v) Section [43.25](#), Penal Code; or

1-43 (vi) Section [20A.02\(a\)\(7\)](#), [20A.02\(a\)\(8\)](#),  
1-44 or [20A.03](#), Penal Code;

1-45 (D) an offense described by Article [62.001\(6\)\(C\)](#)  
1-46 or (D), Code of Criminal Procedure; and

1-47 (E) criminal actions against persons who are  
1-48 detained as provided by Section [51.12](#), Family Code, after transfer  
1-49 for prosecution in criminal court under Section [54.02](#), Family Code;

1-50 (3) election contests and suits under the Election  
1-51 Code;

1-52 (4) orders for the protection of the family under  
1-53 Subtitle B, Title 4, Family Code;

1-54 (5) appeals of final rulings and decisions of the  
1-55 division of workers' compensation of the Texas Department of  
1-56 Insurance regarding workers' compensation claims and claims under  
1-57 the Federal Employers' Liability Act and the Jones Act;

1-58 (6) appeals of final orders of the commissioner of the  
1-59 General Land Office under Section [51.3021](#), Natural Resources Code;

1-60 (7) actions in which the claimant has been diagnosed  
1-61 with malignant mesothelioma, other malignant asbestos-related

2-1 cancer, malignant silica-related cancer, or acute silicosis; and  
2-2 (8) appeals brought under Section 42.01 or 42.015, Tax  
2-3 Code, of orders of appraisal review boards of appraisal districts  
2-4 established for counties with a population of less than 175,000.  
2-5 SECTION 2. This Act takes effect September 1, 2023.

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