

1-1 By: Parker S.B. No. 1092
 1-2 (In the Senate - Filed February 22, 2023; March 9, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 30, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 2; March 30, 2023, 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 jurisdiction of the supreme court and the court of
 1-22 criminal appeals.

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

1-24 SECTION 1. Section 22.002, Government Code, is amended by
 1-25 adding Subsection (f) to read as follows:

1-26 (f) If the court of criminal appeals finds that a statute,
 1-27 rule, or procedure is unconstitutional, the supreme court, on the
 1-28 petition of the attorney general or a district or county attorney,
 1-29 has original civil jurisdiction to issue writs of quo warranto and
 1-30 mandamus to correct any error in the court of criminal appeals'
 1-31 decision. The jurisdiction granted by this subsection applies
 1-32 regardless of whether the decision of the court of criminal appeals
 1-33 is:

1-34 (1) based on the state constitution, federal
 1-35 constitution, or both;

1-36 (2) characterized as criminal or civil; or

1-37 (3) characterized as final or nonfinal.

1-38 SECTION 2. Subchapter B, Chapter 22, Government Code, is
 1-39 amended by adding Section 22.1025 to read as follows:

1-40 Sec. 22.1025. CONSTITUTIONAL RULINGS. (a) A decision by
 1-41 the court of criminal appeals that a statute, rule, or procedure
 1-42 violates the state or federal constitution is not final and has no
 1-43 effect until the later of:

1-44 (1) the 60th day after the date of the decision; or

1-45 (2) the denial or dismissal of a petition filed in the
 1-46 supreme court as provided by Section 22.002(f).

1-47 (b) This section is adopted under the legislative authority
 1-48 provided by Section 5(a), Article V, Texas Constitution.

1-49 SECTION 3. This Act applies to any decision issued by the
 1-50 court of criminal appeals on or after September 1, 2023.

1-51 SECTION 4. This Act takes effect September 1, 2023.

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