

By: Spiller

H.B. No. 933

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 a conflict described by Section 22.001(a-1), Government Code;
3. Courts of appeals, other than the Court of Appeals for the Fifteenth Court of Appeals District;
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;

- 1           10. [~~9.~~] Justice courts;
- 2           11. [~~10.~~] Municipal courts;
- 3           12. [~~11.~~] The magistrates appointed by the judges of  
4 the district courts of Lubbock County;
- 5           13. [~~12.~~] The magistrates appointed by the El Paso  
6 Council of Judges;
- 7           14. [~~13.~~] The magistrates appointed by the Collin  
8 County Commissioners Court;
- 9           15. [~~14.~~] The magistrates appointed by the Brazoria  
10 County Commissioners Court or the local administrative judge for  
11 Brazoria County;
- 12           16. [~~15.~~] The magistrates appointed by the judges of  
13 the district courts of Tom Green County;
- 14           17. [~~16.~~] The magistrates appointed by the judges of  
15 the district and statutory county courts of Denton County; and
- 16           18. [~~17.~~] The magistrates appointed by the judges of  
17 the district and statutory county courts of Grayson County.

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

20           Art. 4.04. COURT OF CRIMINAL APPEALS

21           Sec. 1. The Court of Criminal Appeals and each judge thereof  
22 shall have, and is hereby given, the power and authority to grant  
23 and issue and cause the issuance of writs of habeas corpus, and, in  
24 criminal law matters, other writs, including the writs of mandamus,  
25 procedendo, prohibition, and certiorari, [~~The court and each~~  
26 ~~judge thereof shall have, and is hereby given, the power and~~  
27 ~~authority to grant and issue and cause the issuance of such other~~

1 ~~writs]~~ as may be necessary to protect its jurisdiction or enforce  
2 its judgments.

3       Sec. 2. Except as provided by Section 22.001(a-1),  
4 Government Code, the [The] Court of Criminal Appeals shall have,  
5 and is hereby given, final appellate and review jurisdiction in  
6 criminal cases coextensive with the limits of the state, and its  
7 determinations shall be final. The appeal of all cases in which the  
8 death penalty has been assessed shall be to the Court of Criminal  
9 Appeals. In addition, the Court of Criminal Appeals may [✓] on [~~its~~  
10 ~~own motion, with or without~~] a petition for such discretionary  
11 review being filed by one of the parties, review any decision of a  
12 court of appeals in a criminal case other than a conflict described  
13 by Section 22.001(a-1), Government Code. Discretionary review by  
14 the Court of Criminal Appeals is not a matter of right, but of sound  
15 judicial discretion.

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

19       (a) The supreme court has appellate jurisdiction, except in  
20 criminal law matters other than a conflict described by Subsection  
21 (a-1), of an appealable order or judgment of the trial courts if the  
22 court determines that the appeal presents a question of law that is  
23 important to the jurisprudence of the state.

24       (a-1) The supreme court has appellate jurisdiction to  
25 finally resolve a conflict between the supreme court and the court  
26 of criminal appeals regarding the interpretation of a provision of  
27 the Texas Constitution on:

1           (1) submission of a writ of certiorari to the supreme  
2 court by a party to any proceeding in any court of this state; or

3           (2) certification of a question of law from any  
4 federal court [~~The supreme court's jurisdiction does not include~~  
5 ~~cases in which the jurisdiction of the court of appeals is made~~  
6 ~~final by statute~~].

7           (b) Except as provided by Subsection (a-1), a [A] case over  
8 which the court has jurisdiction under Subsection (a) may be  
9 carried to the supreme court by petition for review.

10           SECTION 4. It is the intent of the legislature that:

11           (1) the jurisdiction of the Texas Supreme Court as  
12 amended by this Act is "as otherwise provided . . . by law" within  
13 the meaning of Section 3(a), Article V, Texas Constitution; and

14           (2) the jurisdiction of the Court of Criminal Appeals  
15 as amended by this Act is "with such exceptions and under such  
16 regulations . . . as prescribed by law" within the meaning of  
17 Section 5(a), Article V, Texas Constitution.

18           SECTION 5. The changes in law made by this Act apply to any  
19 matter described by Section 22.001(a-1), Government Code, as added  
20 by this Act, pending before any court of this state on or after the  
21 effective date of this Act.

22           SECTION 6. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2025.