

By: Ellis

S.B. No. 1043

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the criminal jurisdiction of the supreme court and the
3 abolishment of the court of criminal appeals.

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

5 SECTION 1. Article 4.04, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 4.04. SUPREME COURT [~~OF CRIMINAL APPEALS~~]

8 Sec. 1. The Supreme Court [~~of Criminal Appeals~~] and each
9 justice [~~judge~~] thereof shall have, and is hereby given, the power
10 and authority to grant and issue and cause the issuance of writs of
11 habeas corpus, and, in criminal law matters, the writs of mandamus,
12 procedendo, prohibition, and certiorari. The court and each
13 justice [~~judge~~] thereof shall have, and is hereby given, the power
14 and authority to grant and issue and cause the issuance of such
15 other writs as may be necessary to protect its jurisdiction or
16 enforce its judgments.

17 Sec. 2. The Supreme Court [~~of Criminal Appeals~~] shall have,
18 and is hereby given, final appellate and review jurisdiction in
19 criminal cases coextensive with the limits of the state, and its
20 determinations shall be final. The appeal of all cases in which the
21 death penalty has been assessed shall be to the Supreme Court [~~of~~
22 ~~Criminal Appeals~~]. In addition, the Supreme Court [~~of Criminal~~
23 ~~Appeals~~] may, on its own motion, with or without a petition for such
24 discretionary review being filed by one of the parties, review any

1 decision of a court of appeals in a criminal case. Discretionary
2 review by the Supreme Court [~~of Criminal Appeals~~] is not a matter of
3 right, but of sound judicial discretion.

4 SECTION 2. Section 22.101, Government Code, is repealed.

5 SECTION 3. Subchapter B, Chapter 22, Government Code, is
6 amended by adding Section 22.1011 to read as follows:

7 Sec. 22.1011. REFERENCE TO COURT OF CRIMINAL APPEALS. A
8 reference in state law to the court of criminal appeals means the
9 supreme court, and a reference to a judge of the court of criminal
10 appeals means a justice of the supreme court.

11 SECTION 4. This Act takes effect on the date on which the
12 constitutional amendment proposed by the 78th Legislature, Regular
13 Session, 2003, abolishing the court of criminal appeals and vesting
14 that court's criminal jurisdiction in the supreme court, takes
15 effect. If that amendment is not approved by the voters, this Act
16 has no effect.