

By: Van Arsdale

H.B. No. 3095

A BILL TO BE ENTITLED

AN ACT

relating to the periods for disposing of certain actions and petitions by appellate courts in this state.

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

SECTION 1. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.016 to read as follows:

Sec. 22.016. PERIOD FOR DISPOSITION OF REGULAR CAUSES AND PETITIONS. (a) In this section:

(1) "Regular cause" means:

(A) a case in which four or more of the justices of the supreme court have decided in conference that a petition should be reviewed;

(B) a direct appeal that the supreme court has agreed to review; or

(C) a question of law that has been certified to the supreme court by a federal court of appeals and that the supreme court has agreed to review.

(2) "Petition" means:

(A) a petition for review;

(B) a petition for writ of mandamus; or

(C) a petition for writ of habeas corpus, prohibition, or injunction.

(b) It is the policy of this state that each regular cause and petition be disposed of by the supreme court as quickly as

1 possible, and that the supreme court shall:

2 (1) rule on a regular cause not later than the first
3 anniversary of the date the court agreed to grant review of the
4 cause; and

5 (2) grant or deny a petition not later than the
6 expiration of the six-month period after the date the petition was
7 filed.

8 SECTION 2. Subchapter B, Chapter 22, Government Code, is
9 amended by adding Section 22.113 to read as follows:

10 Sec. 22.113. PERIOD FOR DISPOSITION OF REGULAR CAUSES AND
11 PETITIONS. (a) In this section:

12 (1) "Regular cause" means:

13 (A) a direct appeal in a case not involving a
14 capital offense;

15 (B) an original proceeding;

16 (C) a petition for discretionary review that has
17 been granted; or

18 (D) an application for a writ of habeas corpus,
19 certiorari, mandamus, or prohibition.

20 (2) "Petition" means a petition for discretionary
21 review, including a redrawn petition for discretionary review.

22 (b) It is the policy of this state that a regular cause be
23 disposed of by the court of criminal appeals as quickly as possible,
24 and that the court of criminal appeals shall:

25 (1) rule on a regular cause not later than the first
26 anniversary of the date the court agreed to grant review of the
27 cause; and

1 (2) grant or deny a petition not later than the
2 expiration of the six-month period after the date the petition was
3 filed.

4 SECTION 3. Subchapter C, Chapter 22, Government Code, is
5 amended by adding Section 22.229 to read as follows:

6 Sec. 22.229. PERIOD FOR DISPOSITION OF APPELLATE CASES.

7 (a) In this section, the term "appellate case" includes:

8 (1) an appeal in a civil or criminal case; and

9 (2) a petition or application for writ of mandamus,
10 habeas corpus, prohibition, or injunction.

11 (b) It is the policy of this state that an appellate case be
12 disposed of by a court of appeals as quickly as possible, and that a
13 court of appeals shall rule on or otherwise dispose of an appellate
14 case not later than the expiration of the 18-month period after the
15 date the case was filed with the court.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2007.