

By: Raymond

H.B. No. 4549

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

Sec. 2. The Supreme Court [~~of Criminal Appeals~~] shall have,
and is hereby given, final appellate and review jurisdiction in
criminal cases coextensive with the limits of the state, and its
determinations shall be final. The appeal of all cases in which the
death penalty has been assessed shall be to the Supreme Court [~~of
Criminal Appeals~~]. In addition, the Supreme Court [~~of Criminal
Appeals~~] may, on its own motion, with or without a petition for such
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 22.001(a), Government Code, is amended
5 to read as follows:

6 (a) The supreme court has appellate jurisdiction [~~except~~
7 ~~in criminal law matters,~~] coextensive with the limits of the state
8 and extending to all questions of law arising in the following cases
9 when they have been brought to the courts of appeals from appealable
10 judgment of the trial courts:

11 (1) a case in which the justices of a court of appeals
12 disagree on a question of law material to the decision;

13 (2) a case in which one of the courts of appeals holds
14 differently from a prior decision of another court of appeals or of
15 the supreme court on a question of law material to a decision of the
16 case;

17 (3) a case involving the construction or validity of a
18 statute necessary to a determination of the case;

19 (4) a case involving state revenue;

20 (5) a case in which the railroad commission is a party;
21 and

22 (6) any other case in which it appears that an error of
23 law has been committed by the court of appeals, and that error is of
24 such importance to the jurisprudence of the state that, in the
25 opinion of the supreme court, it requires correction, but excluding
26 those cases in which the jurisdiction of the court of appeals is
27 made final by statute.

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

3 Sec. 22.1011. REFERENCE TO COURT OF CRIMINAL APPEALS. A
4 reference in state law to the court of criminal appeals means the
5 supreme court, and a reference to a judge of the court of criminal
6 appeals means a justice of the supreme court.

7 SECTION 4. Sections 22.101 and 22.112, Government Code, are
8 repealed.

9 SECTION 5. This Act takes effect on the date on which the
10 constitutional amendment proposed by the 81st Legislature, Regular
11 Session, 2009, abolishing the court of criminal appeals and vesting
12 that court's criminal jurisdiction in the supreme court takes
13 effect. If that amendment is not approved by the voters, this Act
14 has no effect.