By: Gallegos

S.B. No. 1993

## A BILL TO BE ENTITLED 1 AN ACT 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:

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## Art. 4.04. <u>SUPREME</u> COURT [OF CRIMINAL APPEALS]

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

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

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1 decision of a court of appeals in a criminal case. Discretionary 2 review by the <u>Supreme</u> Court [of <u>Criminal Appeals</u>] 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 [<del>, except</del> 7 <del>in criminal law matters,</del>] 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:

(1) a case in which the justices of a court of appeals
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;

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(4) a case involving state revenue;

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

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

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

3 <u>Sec. 22.1011. REFERENCE TO COURT OF CRIMINAL APPEALS. A</u> 4 reference in state law to the court of criminal appeals means the 5 <u>supreme court</u>, 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.