

By: Gallego

H.B. No. 3698

A BILL TO BE ENTITLED

AN ACT

relating to jurisdiction of district courts and criminal district courts in certain criminal proceedings.

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

SECTION 1. Article 4.05, Code of Criminal Procedure, is amended to read as follows:

Art. 4.05. JURISDICTION OF DISTRICT COURTS. (a) Except as provided by Subsection (b), district ~~[District]~~ courts and criminal district courts shall have original jurisdiction in criminal cases of the grade of felony, of all misdemeanors involving official misconduct, and of misdemeanor cases transferred to the district court under Article 4.17 of this code.

(b) District courts and criminal district court for criminal proceedings have jurisdiction of crimes involving persons younger than 17 years old only if the person is alleged to have violated the following penal laws:

(1) Section 19.02, Penal Code (murder);

(2) Section 19.03, Penal Code (capital murder);

(3) Section 19.04, Penal Code (manslaughter);

(4) Section 20.04, Penal Code (aggravated kidnapping);

(5) Section 22.011, Penal Code (sexual assault) or Section 22.021, Penal Code (aggravated sexual assault);

(6) Section 22.02, Penal Code (aggravated assault);

- 1 (7) Section 29.03, Penal Code (aggravated robbery);
- 2 (8) Section 22.04, Penal Code (injury to a child,
3 elderly individual, or disabled individual), if the offense is
4 punishable as a felony, other than a state jail felony;
- 5 (9) Section 22.05(b), Penal Code (felony deadly
6 conduct involving discharging a firearm);
- 7 (10) Subchapter D, Chapter 481, Health and Safety
8 Code, if the conduct constitutes a felony of the first degree or an
9 aggravated controlled substance felony (certain offenses
10 involving controlled substances);
- 11 (11) Section 15.03, Penal Code (criminal
12 solicitation);
- 13 (12) Section 21.11(a)(1), Penal Code (indecent with
14 a child);
- 15 (13) Section 15.031, Penal Code (criminal
16 solicitation of a minor);
- 17 (14) Section 15.01, Penal Code (criminal attempt), if
18 the offense attempted was an offense under Section 19.02, Penal
19 Code (murder), or Section 19.03, Penal Code (capital murder), or an
20 offense listed by Section 3g(a)(1), Article 42.12, Code of
21 Criminal Procedure;
- 22 (15) Section 28.02, Penal Code (arson), if bodily
23 injury or death is suffered by any person by reason of the
24 commission of the conduct;
- 25 (16) Section 49.08, Penal Code (intoxication
26 manslaughter); and
- 27 (17) Section 15.02, Penal Code (criminal conspiracy),

1 if the offense made the subject of the criminal conspiracy includes
2 a violation of any of the provisions referenced in Subdivisions (1)
3 through (16).

4 SECTION 2. The change in law made by this Act applies only
5 to a criminal proceeding instituted on or after the effective date
6 of this act. A criminal proceeding instituted before the effective
7 date of this Act is governed by the law in effect on the date the
8 proceeding is instituted, and the former law is continued in effect
9 for that purpose.

10 SECTION 3. This Act takes effect September 1, 2011.