

By: Wu

H.B. No. 3743

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a prosecutor in a juvenile case to appeal certain judicial decisions.

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

SECTION 1. The heading to Section 56.03, Family Code, is amended to read as follows:

Sec. 56.03. APPEAL BY STATE [~~IN CASES OF VIOLENT OR HABITUAL OFFENDER~~].

SECTION 2. Section 56.03, Family Code, is amended by amending Subsections (b), (c), (d), (e), and (f) and adding Subsection (b-1) to read as follows:

(b) The state is entitled to appeal an order of a court in a juvenile case [~~in which the grand jury has approved of the petition under Section 53.045~~] if the order:

- (1) dismisses a petition or any portion of a petition;
- (2) arrests or modifies a judgment;
- (3) grants a new trial;
- (4) sustains a claim of former jeopardy; or
- (5) grants a motion to suppress evidence, a confession, or an admission and if:

- (A) jeopardy has not attached in the case;
- (B) the prosecuting attorney certifies to the trial court that the appeal is not taken for the purpose of delay;

and

1                   (C) the evidence, confession, or admission is of  
2 substantial importance in the case.

3                   (b-1) The state is entitled to appeal a disposition in a  
4 case on the grounds that the disposition is illegal.

5                   (c) The prosecuting attorney may not bring an appeal under  
6 Subsection (b) or (b-1) later than the 15th day after the date on  
7 which the order or ruling to be appealed is entered by the court.

8                   (d) The state is entitled to a stay in the proceedings  
9 pending the disposition of an appeal under Subsection (b) or (b-1).

10                   (e) The court of appeals shall give preference in its docket  
11 to an appeal filed under Subsection (b) or (b-1).

12                   (f) The state shall pay all costs of appeal under Subsection  
13 (b) or (b-1), other than the cost of attorney's fees for the  
14 respondent.

15                   SECTION 3. The changes in law made by this Act apply only to  
16 conduct that occurs on or after the effective date of this Act.  
17 Conduct that occurs before the effective date of this Act is covered  
18 by the law in effect at the time the conduct occurred, and the  
19 former law is continued in effect for that purpose. For the  
20 purposes of this section, conduct occurs before the effective date  
21 of this Act if any element of the conduct occurred before that date.

22                   SECTION 4. This Act takes effect September 1, 2013.