

By: Wu

H.B. No. 332

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 OFFENSES ELIGIBLE FOR DETERMINATE SENTENCE~~].

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 violating a penal law that occurs on or after the effective
17 date of this Act. Conduct that occurs before the effective date of
18 this Act is governed by the law in effect at the time the conduct
19 occurred, and the former law is continued in effect for that
20 purpose. For the purposes of this section, conduct violating a
21 penal law occurs before the effective date of this Act if any
22 element of the violation occurred before that date.

23 SECTION 4. This Act takes effect September 1, 2015.