

By: Schofield

H.B. No. 3430

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subchapter B, Government Code, is amended by adding Section 22.1025 to read as follows:

Sec. 22.1025. CONSTITUTIONAL RULINGS.

(a) Any ruling by the court of criminal appeals that any statute, rule, or procedure violates either the state or federal constitutions shall not be final and shall have no effect until the later of:

(1) 60 days following the ruling; or

(2) The denial or dismissal of a petition filed in the supreme court pursuant to Section 22.002(f) of the Government Code.

(b) This section is adopted pursuant to the legislative authority found in Article V, Section 5(a) of the Texas Constitution, among other sources of authority.

SECTION 2. Section 22.002, Government Code, is amended by adding Subsection (f) to read as follows:

(f) Whenever the court of criminal appeals determines that a statute, rule, or procedure is unconstitutional, the supreme court, on the petition of the attorney general or a district or county attorney, has original civil jurisdiction to issue writs of quo warranto and mandamus to correct any error in the court of

1 criminal appeals' determination.

2 (1) The jurisdiction granted by this section applies
3 no matter whether the court of criminal appeals rules under the
4 state constitution, federal constitution, or both.

5 (2) The jurisdiction granted by this section applies
6 no matter whether the constitutional ruling by the court of
7 criminal appeals is characterized as criminal or civil.

8 (3) The jurisdiction granted by this section applies
9 no matter whether the constitutional ruling by the court of
10 criminal appeals is characterized as final or non-final.

11 SECTION 3. This Act applies to any decision by the court of
12 criminal appeals on or after September 1, 2015.