

BILL ANALYSIS

H.B. 1761
By: Smithee
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the statutory jurisdiction of the Texas Supreme Court to review interlocutory orders is too limited. H.B. 1761 seeks to expand such jurisdiction by granting the supreme court discretionary jurisdiction over any interlocutory appeal that presents an issue that is important to the jurisprudence of the state.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1761 amends the Government Code to change the scope of the Texas Supreme Court's appellate civil jurisdiction from all questions of law arising in certain types of cases when such cases have been brought to the courts of appeals from appealable judgment of the trial courts, excluding those cases in which the jurisdiction of the court of appeals is made final by statute, to all appealable orders or judgments of the trial courts in which the supreme court determines that the appeal presents a question of law that is important to the jurisprudence of the state, subject to such exclusion. The bill updates provisions relating to the method by which a case over which the supreme court has appellate civil jurisdiction is carried to the court. The bill clarifies that, excluding an appeal from an order of a trial court granting or denying an interlocutory or permanent injunction on the ground of the constitutionality of a state statute, an appeal may be taken to the supreme court only if the appeal was first brought to the court of appeals. The bill removes the supreme court's duty to prescribe the necessary rules of procedure to be followed in perfecting an appeal of such a trial court order.

H.B. 1761 repeals provisions relating to certain civil cases for which a petition for review is not allowed to the supreme court due to the court of appeals judgment being conclusive on the law and facts and a provision allowing a petition for review to the supreme court for an appeal from certain interlocutory orders.

H.B. 1761 repeals the following provisions of the Government Code:

- Section 22.001(e)
- Sections 22.007(b), (c), (d), (f), and (g)
- Sections 22.225(b), (c), (d), and (e)

EFFECTIVE DATE

September 1, 2017.

85R 21997

17.96.186