

By: Huffman

S.B. No. 1529

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Court of Appeals to hear certain cases; authorizing fees.

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

ARTICLE 1. TEXAS COURT OF APPEALS

SECTION 1.01. Section 22.201(a), Government Code, is amended to read as follows:

(a) The state is divided into 14 courts of appeals districts with a court of appeals of general jurisdiction in each district. The state has one statewide court of appeals district for the Texas Court of Appeals.

SECTION 1.02. Subchapter C, Chapter 22, Government Code, is amended by adding Section 22.2155 to read as follows:

Sec. 22.2155. TEXAS COURT OF APPEALS. (a) The Texas Court of Appeals has exclusive intermediate appellate jurisdiction over all cases or any matters arising out of or related to a civil case:

(1) brought by or against the state or a state agency, board, or commission, or by or against an officer of the state or a state agency, board, or commission, other than:

(A) a proceeding brought under Title 5, Family Code;

(B) a proceeding brought against an elected official of a political subdivision or the judge of a trial court arising from an act or omission made in the official's or judge's

1 official capacity;

2 (C) a proceeding relating to a mental health  
3 commitment or a civil asset forfeiture;

4 (D) a juvenile case;

5 (E) a proceeding brought under Chapter 125, Civil  
6 Practice and Remedies Code, to enjoin a common nuisance;

7 (F) a quo warranto proceeding;

8 (G) a proceeding relating to an order of  
9 expunction under Chapter 55, Code of Criminal Procedure, or an  
10 order of nondisclosure of criminal history record information under  
11 Subchapter E-1, Chapter 411; or

12 (H) a proceeding relating to the conditions,  
13 modification, revocation, or surrendering of a bond, including a  
14 surety bond; or

15 (2) in which a party to the proceeding files a  
16 petition, motion, or other pleading challenging the  
17 constitutionality of a statute of this state.

18 (b) The court is composed of five justices elected by the  
19 qualified voters of the state.

20 (c) Notwithstanding Section 659.012(a)(2), a justice of the  
21 Texas Court of Appeals shall be paid the annual base salary paid by  
22 the state under Section 659.012 to a justice of the supreme court  
23 other than the chief justice or a judge of the court of criminal  
24 appeals other than the presiding judge.

25 (d) The court shall sit in the City of Austin, but may  
26 transact its business in any county in the state as the court  
27 determines is necessary and convenient.

1       (e) Except as otherwise provided by this section or a rule  
2 adopted by the supreme court under Subsection (f), the following  
3 apply to the court in the same manner as to other courts of appeals:

4           (1) provisions of this code, including Sections 22.217  
5 through 22.228, or other law;

6           (2) rules of procedure and appeal; and

7           (3) standards of practice relating to precedent and  
8 authority from the supreme court and other courts of appeals.

9       (f) The supreme court shall adopt rules to:

10           (1) provide for the administration of the Texas Court  
11 of Appeals as a subject matter jurisdiction court of appeals and  
12 assist the court in processing appeals filed from the district  
13 courts, statutory county courts, and county courts of the state;  
14 and

15           (2) set court costs and fees for the court.

16       SECTION 1.03. Section 22.216, Government Code, is amended  
17 by adding Subsection (n-1) to read as follows:

18       (n-1) The Texas Court of Appeals consists of a chief justice  
19 and of four justices holding places numbered consecutively  
20 beginning with Place 2.

21       SECTION 1.04. Section 22.220(a), Government Code, is  
22 amended to read as follows:

23       (a) Each court of appeals of general jurisdiction has  
24 appellate jurisdiction of all civil cases within its district of  
25 which the district courts or county courts have jurisdiction when  
26 the amount in controversy or the judgment rendered exceeds \$250,  
27 exclusive of interest and costs, other than cases over which the

1 Texas Court of Appeals has exclusive intermediate appellate  
2 jurisdiction under Section 22.2155.

3 SECTION 1.05. (a) Except as otherwise provided by this Act,  
4 the Texas Court of Appeals is created January 1, 2023.

5 (b) If the Texas Court of Appeals is created, the initial  
6 vacancies in the offices of chief justice and justice of the court  
7 shall be filled by election, and the offices exist for purposes of  
8 the primary and general elections in 2022.

9 SECTION 1.06. (a) On the date the Texas Court of Appeals is  
10 created, all cases pending in courts of appeals of general  
11 jurisdiction filed on or after January 1, 2021, and of which the  
12 Texas Court of Appeals has exclusive intermediate appellate  
13 jurisdiction are transferred to the Texas Court of Appeals.

14 (b) When a case is transferred as provided by Subsection (a)  
15 of this section:

16 (1) all processes, writs, bonds, recognizances, or  
17 other obligations issued from the court of appeals of general  
18 jurisdiction are returnable to the Texas Court of Appeals as if  
19 originally issued by that court; and

20 (2) the obligees on all bonds and recognizances taken  
21 in and for a court of appeals of general jurisdiction and all  
22 witnesses summoned to appear in a court of appeals of general  
23 jurisdiction are required to appear before the Texas Court of  
24 Appeals as if originally required to appear before that court.

25 ARTICLE 2. CONFORMING AMENDMENTS

26 SECTION 2.01. Article 4.01, Code of Criminal Procedure, is  
27 amended to read as follows:

1           Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The  
2 following courts have jurisdiction in criminal actions:

- 3           1. The Court of Criminal Appeals;
- 4           2. Courts of appeals of general jurisdiction;
- 5           3. The district courts;
- 6           4. The criminal district courts;
- 7           5. The magistrates appointed by the judges of the  
8 district courts of Bexar County, Dallas County, Tarrant County, or  
9 Travis County that give preference to criminal cases and the  
10 magistrates appointed by the judges of the criminal district courts  
11 of Dallas County or Tarrant County;
- 12           6. The county courts;
- 13           7. All county courts at law with criminal  
14 jurisdiction;
- 15           8. County criminal courts;
- 16           9. Justice courts;
- 17           10. Municipal courts;
- 18           11. The magistrates appointed by the judges of the  
19 district courts of Lubbock County; and
- 20           12. The magistrates appointed by the El Paso Council  
21 of Judges.

22           SECTION 2.02. Article 4.03, Code of Criminal Procedure, is  
23 amended to read as follows:

24           Art. 4.03. COURTS OF APPEALS. The Courts of Appeals of  
25 general jurisdiction shall have appellate jurisdiction coextensive  
26 with the limits of their respective districts in all criminal cases  
27 except those in which the death penalty has been assessed. This

1 Article shall not be so construed as to embrace any case which has  
2 been appealed from any inferior court to the county court, the  
3 county criminal court, or county court at law, in which the fine  
4 imposed or affirmed by the county court, the county criminal court  
5 or county court at law does not exceed one hundred dollars, unless  
6 the sole issue is the constitutionality of the statute or ordinance  
7 on which the conviction is based.

8 SECTION 2.03. Article 44.25, Code of Criminal Procedure, is  
9 amended to read as follows:

10 Art. 44.25. CASES REMANDED. The courts of appeals of  
11 general jurisdiction or the Court of Criminal Appeals may reverse  
12 the judgment in a criminal action, as well upon the law as upon the  
13 facts.

14 SECTION 2.04. Section 612.004(f)(2), Government Code, is  
15 amended to read as follows:

16 (2) "State agency" means:

17 (A) a department, board, commission, committee,  
18 council, agency, office, or other entity in the executive,  
19 legislative, or judicial branch of state government, the  
20 jurisdiction of which is not limited to a geographical portion of  
21 the state;

22 (B) an institution of higher education as defined  
23 by Section 61.003, Education Code; and

24 (C) a court of appeals as described by Subchapter  
25 C, Chapter 22 [~~Section 22.201~~].

26 ARTICLE 3. SPECIFIC APPROPRIATION REQUIRED; EFFECTIVE DATE

27 SECTION 3.01. (a) Notwithstanding Section 22.201(a),

1 Government Code, as amended by this Act, and Section 22.2155,  
2 Government Code, as added by this Act, the Texas Court of Appeals is  
3 not created unless the legislature makes a specific appropriation  
4 of money for that purpose. For purposes of this subsection, a  
5 specific appropriation is an appropriation identifying the Texas  
6 Court of Appeals or an Act of the 87th Legislature, Regular Session,  
7 2021, relating to the creation of the Texas Court of Appeals.

8 (b) Notwithstanding Section 22.220(a), Government Code, as  
9 amended by this Act, a court of appeals of general jurisdiction has  
10 the same jurisdiction the court had on December 31, 2021, if the  
11 Texas Court of Appeals is not created as a result of Subsection (a)  
12 of this section.

13 SECTION 3.02. This Act takes effect January 1, 2022.