

By: Huffman

S.B. No. 1529

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Texas Court of Appeals to hear
3 certain cases; authorizing fees.

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

5 ARTICLE 1. TEXAS COURT OF APPEALS

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

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

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

14 Sec. 22.2155. TEXAS COURT OF APPEALS. (a) The Texas Court
15 of Appeals has exclusive appellate jurisdiction over all cases or
16 any matters arising out of or related to a civil case brought by or
17 against the state or a state agency, board, or commission or by or
18 against an officer of the state or a state agency, board, or
19 commission.

20 (b) The court is composed of six justices elected by the
21 qualified voters of the state.

22 (c) The court shall sit in the City of Austin.

23 (d) The supreme court shall adopt rules to:

24 (1) provide for the administration of the Texas Court

1 of Appeals as a subject matter jurisdiction court of appeals and
2 assist the court in processing appeals filed from the district
3 courts, statutory county courts, and county courts of the state;
4 and

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

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

8 (n-1) The Texas Court of Appeals consists of a chief justice
9 and of five justices holding places numbered consecutively
10 beginning with Place 2.

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

13 (a) Each court of appeals of general jurisdiction has
14 appellate jurisdiction of all civil cases within its district of
15 which the district courts or county courts have jurisdiction when
16 the amount in controversy or the judgment rendered exceeds \$250,
17 exclusive of interest and costs, other than cases over which the
18 Texas Court of Appeals has exclusive appellate jurisdiction under
19 Section 22.2155.

20 SECTION 1.05. (a) The Texas Court of Appeals is created on
21 January 1, 2023.

22 (b) The initial vacancies in the offices of chief justice
23 and justice of the Texas Court of Appeals shall be filled by
24 election. The offices exist for purposes of the primary and general
25 elections in 2022.

26 SECTION 1.06. (a) On the date the Texas Court of Appeals is
27 created, all cases pending in courts of appeals of general

1 jurisdiction of which the Texas Court of Appeals has exclusive
2 jurisdiction are transferred to the Texas Court of Appeals.

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

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

9 (2) the obligees on all bonds and recognizances taken
10 in and for a court of appeals of general jurisdiction and all
11 witnesses summoned to appear in a court of appeals of general
12 jurisdiction are required to appear before the Texas Court of
13 Appeals as if originally required to appear before that court.

14 ARTICLE 2. CONFORMING AMENDMENTS

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

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

- 19 1. The Court of Criminal Appeals;
- 20 2. Courts of appeals of general jurisdiction;
- 21 3. The district courts;
- 22 4. The criminal district courts;
- 23 5. The magistrates appointed by the judges of the
24 district courts of Bexar County, Dallas County, Tarrant County, or
25 Travis County that give preference to criminal cases and the
26 magistrates appointed by the judges of the criminal district courts
27 of Dallas County or Tarrant County;

1 6. The county courts;

2 7. All county courts at law with criminal
3 jurisdiction;

4 8. County criminal courts;

5 9. Justice courts;

6 10. Municipal courts;

7 11. The magistrates appointed by the judges of the
8 district courts of Lubbock County; and

9 12. The magistrates appointed by the El Paso Council
10 of Judges.

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

13 Art. 4.03. COURTS OF APPEALS. The Courts of Appeals of
14 general jurisdiction shall have appellate jurisdiction coextensive
15 with the limits of their respective districts in all criminal cases
16 except those in which the death penalty has been assessed. This
17 Article shall not be so construed as to embrace any case which has
18 been appealed from any inferior court to the county court, the
19 county criminal court, or county court at law, in which the fine
20 imposed or affirmed by the county court, the county criminal court
21 or county court at law does not exceed one hundred dollars, unless
22 the sole issue is the constitutionality of the statute or ordinance
23 on which the conviction is based.

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

26 Art. 44.25. CASES REMANDED. The courts of appeals of
27 general jurisdiction or the Court of Criminal Appeals may reverse

1 the judgment in a criminal action, as well upon the law as upon the
2 facts.

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

5 (2) "State agency" means:

6 (A) a department, board, commission, committee,
7 council, agency, office, or other entity in the executive,
8 legislative, or judicial branch of state government, the
9 jurisdiction of which is not limited to a geographical portion of
10 the state;

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

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

15 ARTICLE 3. EFFECTIVE DATE

16 SECTION 3.01. This Act takes effect January 1, 2022.