

By: Hughes

S.B. No. 1196

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of the Texas Supreme Court and the Court of Criminal Appeals.

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

SECTION 1. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

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

1. The Court of Criminal Appeals;
2. The Texas Supreme Court in a conflict described by Section 22.001(a-1), Government Code;
3. Courts of appeals;
4. [~~3.~~] The district courts;
5. [~~4.~~] The criminal district courts;
6. [~~5.~~] The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;
7. [~~6.~~] The county courts;
8. [~~7.~~] All county courts at law with criminal jurisdiction;
9. [~~8.~~] County criminal courts;
10. [~~9.~~] Justice courts;

- 1 11. [~~10.~~] Municipal courts;
- 2 12. [~~11.~~] The magistrates appointed by the judges of
3 the district courts of Lubbock County;
- 4 13. [~~12.~~] The magistrates appointed by the El Paso
5 Council of Judges;
- 6 14. [~~13.~~] The magistrates appointed by the Collin
7 County Commissioners Court;
- 8 15. [~~14.~~] The magistrates appointed by the Brazoria
9 County Commissioners Court or the local administrative judge for
10 Brazoria County; and
- 11 16. [~~15.~~] The magistrates appointed by the judges of
12 the district courts of Tom Green County.

13 SECTION 2. Article 4.04, Code of Criminal Procedure, is
14 amended to read as follows:

15 Art. 4.04. COURT OF CRIMINAL APPEALS

16 Sec. 1. The Court of Criminal Appeals and each judge thereof
17 shall have, and is hereby given, the power and authority to grant
18 and issue and cause the issuance of writs of habeas corpus, and, in
19 criminal law matters, other writs, including the writs of mandamus,
20 procedendo, prohibition, and certiorari, [~~. The court and each~~
21 ~~judge thereof shall have, and is hereby given, the power and~~
22 ~~authority to grant and issue and cause the issuance of such other~~
23 ~~writs~~] as may be necessary to protect its jurisdiction or enforce
24 its judgments.

25 Sec. 2. Except as provided by Section 22.001(a-1),
26 Government Code, the [~~The~~] Court of Criminal Appeals shall have,
27 and is hereby given, final appellate and review jurisdiction in

1 criminal cases coextensive with the limits of the state, and its
2 determinations shall be final. The appeal of all cases in which the
3 death penalty has been assessed shall be to the Court of Criminal
4 Appeals. In addition, the Court of Criminal Appeals may [~~7~~] on [~~its~~
5 ~~own motion, with or without~~] a petition for such discretionary
6 review being filed by one of the parties, review any decision of a
7 court of appeals in a criminal case other than a conflict described
8 by Section 22.001(a-1), Government Code. Discretionary review by
9 the Court of Criminal Appeals is not a matter of right, but of sound
10 judicial discretion.

11 SECTION 3. Section 22.001, Government Code, is amended by
12 amending Subsections (a) and (b) and adding Subsection (a-1) to
13 read as follows:

14 (a) The supreme court has appellate jurisdiction, except in
15 criminal law matters other than a conflict described by Subsection
16 (a-1), of an appealable order or judgment of the trial courts if the
17 court determines that the appeal presents a question of law that is
18 important to the jurisprudence of the state.

19 (a-1) The supreme court has appellate jurisdiction to
20 finally resolve a conflict between the supreme court and the court
21 of criminal appeals regarding the interpretation of a provision of
22 the Texas Constitution on:

23 (1) submission of a writ of certiorari to the supreme
24 court by a party to any proceeding in any court of this state; or

25 (2) certification of a question of law from any
26 federal court [~~The supreme court's jurisdiction does not include~~
27 ~~cases in which the jurisdiction of the court of appeals is made~~

1 ~~final by statute~~].

2 (b) Except as provided by Subsection (a-1), a [A] case over
3 which the court has jurisdiction under Subsection (a) may be
4 carried to the supreme court by petition for review.

5 SECTION 4. It is the intent of the legislature that:

6 (1) the jurisdiction of the Texas Supreme Court as
7 amended by this Act is "as otherwise provided . . . by law" within
8 the meaning of Section 3(a), Article V, Texas Constitution; and

9 (2) the jurisdiction of the Court of Criminal Appeals
10 as amended by this Act is "with such exceptions and under such
11 regulations . . . as prescribed by law" within the meaning of
12 Section 5(a), Article V, Texas Constitution.

13 SECTION 5. The changes in law made by this Act apply to any
14 matter described by Section 22.001(a-1), Government Code, as added
15 by this Act, pending before any court of this state on or after the
16 effective date of this Act.

17 SECTION 6. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2023.