

By: Zaffirini

S.B. No. 2299

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the identification of constitutional or statutory  
3 provisions of this state that have been invalidated or otherwise  
4 limited by a state appellate court.

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

6 SECTION 1. Subchapter D, Chapter 22, Government Code, is  
7 amended by adding Section 22.306 to read as follows:

8 Sec. 22.306. IDENTIFICATION OF CONSTITUTIONAL OR STATUTORY  
9 PROVISIONS INVALIDATED OR OTHERWISE LIMITED. (a) In this section,  
10 "office" means the Office of Court Administration of the Texas  
11 Judicial System.

12 (b) Not later than the 30th day after issuing a decision, an  
13 appellate court of this state, including the supreme court and the  
14 court of criminal appeals, shall report the decision to the office  
15 in a manner prescribed by the office if the decision does any of the  
16 following:

17 (1) concludes that a constitutional provision of this  
18 state or a statute of this state conflicts wholly or partly with  
19 federal law;

20 (2) concludes that a statute of this state conflicts  
21 wholly or partly with the Texas Constitution;

22 (3) uses the statutory construction aids identified in  
23 Section 311.023 because a statute is:

24 (A) facially ambiguous; or

1                   (B) ambiguous as applied to the facts of the  
2 case; or

3                   (4) concludes that two or more statutes of this state  
4 or two or more amendments to the same statute of this state are  
5 irreconcilable.

6           (c) Not later than September 1 of each year, the office  
7 shall prepare and submit to the governor, the lieutenant governor,  
8 the speaker of the house of representatives, and the legislature an  
9 electronic report describing information received by the office  
10 under Subsection (b) for the period beginning July 1 of the previous  
11 year and ending June 30 of the year in which the report is issued.  
12 The report must provide the following in a searchable and sortable  
13 format:

14                   (1) for each appellate court decision reported,  
15 information specifying:

16                           (A) the caption;

17                           (B) the case number;

18                           (C) the court that issued the decision; and

19                           (D) the current status of the case;

20                   (2) a citation to each constitutional provision or  
21 statute to which Subsection (b)(1), (2), (3), or (4) applies with an  
22 indication of which subdivision applies;

23                   (3) for a constitutional provision or statute to which  
24 Subsection (b)(1) applies, identification of each federal law that  
25 the appellate court determines is in conflict with the  
26 constitutional provision or statute;

27                   (4) for a statute to which Subsection (b)(2) applies,

1 identification of each provision of the Texas Constitution that the  
2 appellate court determines is in conflict with the statute; and

3 (5) for each constitutional provision or statute  
4 listed in the report that became law during the 40-year period  
5 before the date of the report, identification of the applicable:

6 (A) legislative session;

7 (B) resolution or bill number;

8 (C) author; and

9 (D) sponsor.

10 (d) The office shall publish the report on the office's  
11 Internet website.

12 SECTION 2. (a) The initial report required under Section  
13 22.306, Government Code, as added by this Act, shall describe  
14 decisions issued by an appellate court for the period beginning on  
15 the effective date of this Act and ending June 30, 2024.

16 (b) Not later than October 1, 2024, and in collaboration  
17 with the Office of Court Administration of the Texas Judicial  
18 System, the Texas Legislative Council shall use publicly available  
19 reference materials to prepare an electronic report substantially  
20 similar to the report required under Section 22.306(c), Government  
21 Code, as added by this Act, for state appellate court decisions  
22 beginning June 1, 2019, and ending on the effective date of this  
23 Act. The council shall post the report on its Internet website and  
24 notify the legislature of the report's availability.

25 SECTION 3. This Act takes effect September 1, 2023.