

BILL ANALYSIS

S.B. 311
By: Hughes
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 3, Article V of the Texas Constitution, which provides for the Texas Supreme Court's writ power, is further codified in statute. The bill sponsor has informed the committee that over time, the statute has been amended to expressly add different courts and bodies against whom the supreme court may issue writs but that questions have been raised regarding the supreme court's power over entities that are not expressly listed. S.B. 311 seeks to address this issue by expanding the statutory authority of the Texas Supreme Court to issue writs against anyone except the governor, in accordance with the Texas Constitution.

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

S.B. 311 amends the Government Code to expand the authorization for the Texas Supreme Court or a justice of the supreme court to issue writs of procedendo and certiorari and all writs of quo warranto and mandamus agreeable to the principles of law regulating those writs by doing the following:

- removing the condition limiting the issuance of such writs to a statutory county court judge, a statutory probate court judge, a district judge, a court of appeals or a justice of a court of appeals, or any officer of state government; and
- removing the court of criminal appeals and a judge of the court of criminal appeals from the entities against whom the supreme court or justice may not issue such writs.

However, the bill retains the prohibition under current law against the issuance of a writ against the governor.

S.B. 311 applies only to an application for a writ of procedendo, certiorari, quo warranto, or mandamus filed in the supreme court on or after the bill's effective date. An application for a writ of procedendo, certiorari, quo warranto, or mandamus filed before the bill's effective date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.