

BILL ANALYSIS

Senate Research Center
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S.B. 1210
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1210 aims to streamline judicial authority by empowering the Texas Supreme Court to settle constitutional disputes between itself and the Court of Criminal Appeals, ensuring a unified interpretation of state constitutional provisions while preserving the distinct roles of each court.

The Texas Supreme Court gains appellate jurisdiction in criminal matters only to resolve conflicts with the Court of Criminal Appeals regarding Texas Constitution interpretations, triggered either by a writ of certiorari from any state court proceeding or a certified question of law from a federal court. Otherwise, its jurisdiction remains focused on civil appeals involving significant legal questions.

The Court of Criminal Appeals retains final appellate jurisdiction over criminal cases statewide, including mandatory appeals in death penalty cases, except where a conflict with the Texas Supreme Court arises under the new provisions. It can still exercise discretionary review over courts of appeals' decisions in criminal cases, excluding specified conflicts.

As proposed, S.B. 1210 amends current law relating to the jurisdiction of the Texas Supreme Court and the Court of Criminal Appeals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4.01, Code of Criminal Procedure, as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. Provides that certain courts have jurisdiction in criminal actions, including the Supreme Court of Texas (supreme court) in a conflict described by Section 22.001(a-1), Government Code. Makes nonsubstantive changes.

SECTION 2. Amends Article 4.04, Code of Criminal Procedure, as follows:

Art. 4.04. COURT OF CRIMINAL APPEALS

Sec. 1. Requires the Texas Court of Criminal Appeals (court of criminal appeals) and each judge thereof to have, and to be hereby given, the power and authority to grant and issue and cause the issuance of writs of habeas corpus, and, in criminal law matters, other writs, including the writs of mandamus, procedendo, prohibition, and certiorari, as may be necessary to protect its jurisdiction or enforce its judgments. Deletes existing text requiring the court and each judge thereof to have, and to be hereby given, the power and authority to grant and issue and cause the issuance of such other writs as may be necessary to protect its jurisdiction or enforce its judgments.

Sec. 2. Creates an exception under Section 22.001(a-1), Government Code. Authorizes the court of criminal appeals on a petition for discretionary review being filed by one of

the parties, rather than on its own motion with or without a petition for such discretionary review being filed by one of the parties, to review any decision of a court of appeals in a criminal case other than a conflict described by Section 22.001(a-1), Government Code.

SECTION 3. Amends Section 22.001, Government Code, by amending Subsections (a) and (b) and adding Subsection (a-1), as follows:

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

(a-1) Provides that the supreme court has appellate jurisdiction to finally resolve a conflict between the supreme court and the court of criminal appeals regarding the interpretation of a provision of the Texas Constitution on submission of a writ of certiorari to the supreme court by a party to any proceeding in any court of this state or certification of a question of law from any federal court. Deletes existing text providing that the supreme court's jurisdiction does not include cases in which the jurisdiction of the court of appeals is made final by statute.

(b) Creates an exception under Subsection (a-1).

SECTION 4. Provides that it is the intent of the legislature that the jurisdiction of the supreme court as amended by this Act is "as otherwise provided . . . by law" within the meaning of Section 3(a) (relating to requiring the supreme court to exercise the judicial power of the state), Article V (Judicial Department), Texas Constitution, and the jurisdiction of the court of criminal appeals as amended by this Act is "with such exceptions and under such regulations . . . as prescribed by law" within the meaning of Section 5(a) (relating to requiring the court of criminal appeals to have final appellate jurisdiction), Article V, Texas Constitution.

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

SECTION 6. Effective date: upon passage or September 1, 2025.