

BILL ANALYSIS

Senate Research Center
88R10178 TSS-F

S.B. 1092
By: Parker
State Affairs
3/21/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1092 amends current law relating to the jurisdiction of the 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 Section 22.002, Government Code, by adding Subsection (f), as follows:

(f) Provides that the Supreme Court of Texas (supreme court), on the petition of the attorney general or a district or county attorney, has original civil jurisdiction to issue writs of quo warranto and mandamus to correct any error in the court of criminal appeals' decision if the court of criminal appeals finds that a statute, rule, or procedure is unconstitutional. Provides that the jurisdiction granted by this subsection applies regardless of whether the decision of the court of criminal appeals is:

- (1) based on the state constitution, federal constitution, or both;
- (2) characterized as criminal or civil; or
- (3) characterized as final or nonfinal.

SECTION 2. Amends Subchapter B, Chapter 22, Government Code, by adding Section 22.1025, as follows:

Sec. 22.1025. CONSTITUTIONAL RULINGS. (a) Provides that a decision by the court of criminal appeals that a statute, rule, or procedure violates the state or federal constitution is not final and has no effect until the later of:

- (1) the 60th day after the date of the decision; or
- (2) the denial or dismissal of a petition filed in the supreme court as provided by Section 22.002(f).

(b) Provides that this section is adopted under the legislative authority provided by Section 5(a) (relating to requiring the court of criminal appeals to have final appellate jurisdiction in certain cases, with exceptions), Article V (Judicial Department), Texas Constitution.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.