

## **BILL ANALYSIS**

Senate Research Center  
78R7938 SLO-D

S.B. 1043  
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Jurisprudence  
4/10/2003  
As Filed

### **DIGEST AND PURPOSE**

As proposed, S.B. 1043 abolishes the court of criminal appeals and provides that the supreme court has both civil and criminal jurisdiction.

### **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 4.04, Code of Criminal Procedure, to read as follows:

Art. 4.04. New heading: SUPREME COURT

Sec. 1. Requires the supreme court, rather than court of criminal appeals, and each justice, rather than judge, thereof to have, and provides that the court is hereby given, the power and authority to grant and issue and cause the issuance of writs of habeas corpus, and, in criminal law matters, the writs of mandamus, procedendo, prohibition, and certiorari. Makes a conforming change.

Sec. 2. Makes conforming changes.

SECTION 2. Repealer: Section 22.101 (Seal), Government Code.

SECTION 3. Amends Chapter 22B, Government Code, by adding Section 22.1011, as follows:

Sec. 22.1011. REFERENCE TO COURT OF CRIMINAL APPEALS. Provides that a reference in state law to the court of criminal appeals means the supreme court, and a reference to a judge of the court of criminal appeals means a justice of the supreme court.

SECTION 4. Effective date: the date on which the constitutional amendment proposed by the 78th Legislature, Regular session, 2003, abolishing the court of criminal appeals and vesting that court's criminal jurisdiction in the supreme court, takes effect. Provides that if that amendment is not approved by the voters, this Act has no effect.