

By: Morales of Maverick

H.B. No. 302

A BILL TO BE ENTITLED

AN ACT

relating to the creation of magistrates in Maverick County.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter RR to read as follows:

SUBCHAPTER RR. MAVERICK COUNTY MAGISTRATES

Sec. 54.2701. APPOINTMENT. (a) The Commissioners Court of Maverick County may select magistrates to serve the justice courts of the county.

(b) The commissioners court shall establish the salary, benefits, and other compensation of each magistrate position and shall determine whether the position is full-time or part-time.

(c) A magistrate appointed under this subchapter serves at the pleasure of the commissioners court.

Sec. 54.2702. JURISDICTION. A magistrate appointed under this subchapter has concurrent jurisdiction with the justices of the justice of the peace courts of Maverick County.

Sec. 54.2703. POWERS AND DUTIES. (a) The Commissioners Court of Maverick County shall establish the powers and duties of a magistrate appointed under this subchapter.

(b) An order of referral may limit the use or power of a magistrate.

(c) Unless limited by published local rule, by written order, or by an order of referral, a magistrate may perform all acts

1 and take all measures necessary and proper to perform the tasks
2 assigned in a referral.

3 (d) A magistrate may administer oaths.

4 Sec. 54.2704. JUDICIAL IMMUNITY. A magistrate has the same
5 judicial immunity as a district judge.

6 Sec. 54.2705. TRAINING. A magistrate appointed under this
7 subchapter must successfully complete all training a justice of the
8 peace is required to complete under state law.

9 Sec. 54.2706. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If
10 an attorney, party, witness, or any other person fails to comply
11 with a summons or order, the magistrate may certify that failure in
12 writing to the referring court for appropriate action.

13 Sec. 54.2707. WITNESSES. (a) A witness appearing before a
14 magistrate is subject to the penalties of perjury as provided by
15 Chapter 37, Penal Code.

16 (b) A witness referred to the court under Section 54.2706 is
17 subject to the same penalties and orders that may be imposed on a
18 witness appearing in a hearing before the court.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect on the 91st day after the last day of the
24 legislative session.