

BILL ANALYSIS

S.B. 922
By: Harris
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a magistrate appointed in Tarrant County must have the unanimous approval of all criminal judges in said county. In addition, magistrates in Tarrant County may take a plea of guilty for a misdemeanor from a defendant who is charged with both felony and a misdemeanor offenses. As proposed, S.B. 922 reduces the required unanimous approval of all criminal judges to a two-thirds majority of said judges; allows a magistrate to accept a plea of guilty from those only charged with a misdemeanor, a felony, or both misdemeanor and felony offenses; and allows a magistrate to select a jury.

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

SECTION 1. Amends Section 54.651(b), Government Code, to require each magistrate's appointment to be made with the approval of at least two-thirds, rather than the unanimous approval, of all the judges described in Subsection (a).

SECTION 2. Amends Sections 54.656(b) and (c), Government Code, as follows:

(b) Authorizes a magistrate to accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(c) Authorizes a magistrate to select a jury. Prohibits a magistrate from presiding over a trial on the merits, whether or not the trial is before a jury.

SECTION 3. Amends Section 54.658(a), Government Code, to authorize a magistrate to whom a case is referred, except as limited by an order of referral, to perform certain acts, including accepting a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and to select a jury.

SECTION 4. Effective date: September 1, 2003.

EFFECTIVE DATE

September 1, 2003.