

BILL ANALYSIS

S.B. 1794
By: Barrientos
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides that the district courts that give preference to criminal cases in Travis County may appoint magistrates. The rapid increase in population and caseload in Travis County over the past few years has led to a need for additional magistrates. S.B. 1794 extends the power to appoint magistrates in Travis County to statutory county courts that give preference to criminal cases.

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

S.B. 1794 amends the Code of Criminal Procedure to provide that statutory county courts that give preference to criminal cases in Travis County may appoint magistrates.

The bill also amends the Government Code to set forth procedures for the appointment of these magistrates. The bill also provides that a magistrate appointed by the county court at law judges has the same judicial immunity as a judge of a county court at law and sets forth a list of proceedings that may be referred to a magistrate.

The bill also provides that a magistrate may not preside over a contested criminal trial on the merits, and that a judge may refer to a magistrate any proceeding involving an application for a protective order.

EFFECTIVE DATE

September 1, 2003.