

BILL ANALYSIS

C.S.H.B. 2977
By: Gonzales
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As the law stands now, an arresting officer must take the person arrested before a “magistrate.”

HB 2977 would create the position of a "criminal law hearing officer" in Hidalgo County. This position would make the processing of inmates more efficient for the judicial system in Hidalgo County and is expected to free-up much needed jail space and save the county money. This bill would essentially allow for a “one stop shop”. The person arrested would be taken to the jail where he/she would be arraigned, bond set, probable cause determined, a file number assigned and if necessary, an attorney appointed. The hearing officer(s) would be appointed by a board composed of district and county judges in the area and would have the same authority as justices of the peace.

Additionally, since there is a demand in Hidalgo County to accommodate detainees charged with federal crimes, HB 2977 would benefit Hidalgo County because it would release county and state inmates more expeditiously, and allow for the housing of federal inmates, for which the county receives reimbursement.

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

The bill adds a new subchapter under Chapter 54 of the Government Code to establish jurisdiction and rules pertaining to criminal law hearing officers in Hidalgo County. The bill also adds such officers to the definition of magistrate in Article 2.09 of the Code of Criminal Procedure.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute substantially changes the original bill. The original bill provides for a direct filing system and would have required the Office of Court Administration to promulgate rules to create and administer it. The substitute has similar provisions to HB 3485, and would establish a criminal law hearing officer system, the officers of which would process cases to the extent of the powers granted, which include probable cause determinations, arrest warrants, search warrants, and bail settings.