

BILL ANALYSIS

Senate Research Center

H.B. 3481
By: Hope (Staples)
Jurisprudence
5/6/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Due to increasing caseload in Montgomery County there is a need for additional qualified magistrates to assist the district court and the county court at law judges with procedures such as issuing search warrants, arrest warrants, and emergency protective orders, conducting juvenile detention hearings and other judicial functions.

H.B. 3481 allows the district and county court at law judges, with the consent of the Montgomery County Commissioners Court, to appoint magistrates to help with these tasks.

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 Chapter 54, Government Code, by adding Subchapter BB, as follows:

SUBCHAPTER BB. MAGISTRATES IN MONTGOMERY COUNTY

Sec. 54.1351. APPOINTMENT. (a) Authorizes the judges of the district courts and statutory county courts in Montgomery County, with the consent and approval of the Commissioners Court of Montgomery County, to jointly appoint one or more magistrates to perform the duties authorized by this subchapter.

(b) Requires each magistrate's appointment to be made with the approval of a majority of the judges described in Subsection (a).

(c) Authorizes a magistrate appointed under this subchapter to be terminated at any time in the same manner as appointed.

Sec. 54.1352. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person to meet certain criteria, to be eligible for appointment as a magistrate.

(b) Requires a magistrate appointed under this subchapter to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.1353. COMPENSATION. (a) Provides that a magistrate is entitled to the salary determined by the Commissioners Court of Montgomery County.

(b) Provides that the magistrate's salary is to be paid from the county fund available for the payment of officers' salaries.

Sec. 54.1354. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1355. JURISDICTION; RESPONSIBILITY. Requires the judges of the district and statutory county courts of Montgomery County by majority vote to adopt standing orders establishing the duties of a magistrate.

Sec. 54.1356. POWERS. Provides that subject to the standing orders of the judges of the district and statutory county courts of Montgomery County, the magistrate has all the powers of a magistrate under the laws of this state and is authorized to take certain actions.

SECTION 2. Effective date: September 1, 2005.