

## **BILL ANALYSIS**

H.B. 3481  
By: Hope  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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 and arrest warrants, emergency protective orders, conducting juvenile detention hearings and other judicial actions.

The purpose of HB 3481 is to allow 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**

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 provides that district court and county court at law judges in Montgomery County, with the consent and approval of the Commissioners Court, has the ability to appoint additional magistrates. These magistrates must be licensed to practice law in Texas and be a resident of Montgomery County. A magistrate appointed under this bill is afforded the same immunity as a district judge. A magistrate appointed under this bill may set or adjust bond, conduct examining trials, determine whether a defendant is indigent, issue search and arrest

### **EFFECTIVE DATE**

September 1, 2005