

BILL ANALYSIS

Senate Research Center
79R3230 RMB-D

S.B. 552
By: Duncan
Jurisprudence
3/3/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Nolan County is not permitted to appoint a magistrate. Additional magistrates in Nolan County would help the county to comply with the requirements of the Fair Defense Act. S.B. 552 allows for the appointment of one or more magistrates in Nolan County.

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 NOLAN COUNTY

Sec. 54.1701. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Nolan County (commissioners court) to authorize the judge of the district court to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter in Nolan County.

- (b) Authorizes the judge to appoint magistrates as authorized by the court.
- (c) Provides that a magistrate serves at the will of the judge.
- (d) Authorizes an authorized magistrate's position to be eliminated on a majority vote of the commissioners court.

Sec. 54.1702. QUALIFICATIONS. Requires a person to have certain qualifications to be eligible for appointment as a magistrate.

Sec. 54.1703. COMPENSATION. Entitles a magistrate to the salary determined by the commissioners court. Provides that the magistrate's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54.1704. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1705. JURISDICTION; RESPONSIBILITY; POWERS. (a) Provides that to the extent authorized by this subchapter, a magistrate has jurisdiction to exercise the authority granted by the judge of the district court.

- (b) Provides that a magistrate has all of the powers of a magistrate under the laws of this state and authorizes a magistrate to administer an oath for any purpose.
- (c) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.
- (d) Authorizes a magistrate to perform certain duties.

(e) Authorizes a magistrate to perform certain duties.

SECTION 2. Amends Article 2.09, Code of Criminal Procedure, to include Nolan County as a county in which magistrates are appointed to office. Makes a nonsubstantive change.

SECTION 3. Effective date: upon passage or September 1, 2005.