

By: Hope

H.B. No. 3481

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of magistrates in the district courts and statutory county courts in Montgomery County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter BB to read as follows:

SUBCHAPTER BB. MAGISTRATES IN MONTGOMERY COUNTY

Sec. 54.1351. APPOINTMENT. (a) 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, may jointly appoint one or more magistrates to perform the duties authorized by this subchapter.

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

(c) A magistrate appointed under this subchapter may be terminated at any time in the same manner as appointed.

Sec. 54.1352. QUALIFICATIONS; OATH OF OFFICE. To be eligible for appointment as a magistrate, a person must:

- (1) be a resident of Montgomery County, Texas; and
- (2) be licensed to practice law in this state for at least four years.

(b) A magistrate appointed under this subchapter must take the constitutional oath of office required of appointed officers of this state.

1 Sec. 54.1353. COMPENSATION. (a) A magistrate is entitled
2 to the salary determined by the Commissioners Court of Montgomery
3 County.

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

6 Sec. 54.1354. JUDICIAL IMMUNITY. A magistrate has the same
7 judicial immunity as a district judge.

8 Sec. 54.1355. JURISDICTION; RESPONSIBILITY. The judges of
9 the district and statutory county courts of Montgomery County by
10 majority vote shall adopt standing orders establishing the duties
11 of a magistrate.

12 Sec. 54.1356. POWERS. Subject to the standing orders of the
13 judges of the district and statutory county courts of Montgomery
14 County, the magistrate has all the powers of a magistrate under the
15 laws of this state and may:

16 (1) set, adjust, and revoke bonds before the filing of
17 an information or the return of an indictment;

18 (2) conduct examining trials;

19 (3) determine whether a defendant is indigent and
20 appoint counsel for indigent defendants;

21 (4) issue search and arrest warrants;

22 (5) issue emergency protective orders;

23 (6) order emergency mental commitments;

24 (7) conduct juvenile detention hearings if approved by
25 the Juvenile Board of Montgomery County; and

26 (8) administer an oath for any purpose.

27 SECTION 2. This Act takes effect September 1, 2005.