

1-1 By: Hope (Senate Sponsor - Staples) H.B. No. 3481
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 13, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the appointment of magistrates in the district courts
1-9 and statutory county courts in Montgomery County.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 54, Government Code, is amended by
1-12 adding Subchapter BB to read as follows:

1-13 SUBCHAPTER BB. MAGISTRATES IN MONTGOMERY COUNTY

1-14 Sec. 54.1351. APPOINTMENT. (a) The judges of the district
1-15 courts and statutory county courts in Montgomery County, with the
1-16 consent and approval of the Commissioners Court of Montgomery
1-17 County, may jointly appoint one or more magistrates to perform the
1-18 duties authorized by this subchapter.

1-19 (b) Each magistrate's appointment must be made with the
1-20 approval of a majority of the judges described in Subsection (a).

1-21 (c) A magistrate appointed under this subchapter may be
1-22 terminated at any time in the same manner as appointed.

1-23 Sec. 54.1352. QUALIFICATIONS; OATH OF OFFICE. (a) To be
1-24 eligible for appointment as a magistrate, a person must:

1-25 (1) be a resident of Montgomery County, Texas; and

1-26 (2) be licensed to practice law in this state for at
1-27 least four years.

1-28 (b) A magistrate appointed under this subchapter must take
1-29 the constitutional oath of office required of appointed officers of
1-30 this state.

1-31 Sec. 54.1353. COMPENSATION. (a) A magistrate is entitled
1-32 to the salary determined by the Commissioners Court of Montgomery
1-33 County.

1-34 (b) The magistrate's salary is to be paid from the county
1-35 fund available for the payment of officers' salaries.

1-36 Sec. 54.1354. JUDICIAL IMMUNITY. A magistrate has the same
1-37 judicial immunity as a district judge.

1-38 Sec. 54.1355. JURISDICTION; RESPONSIBILITY. The judges of
1-39 the district and statutory county courts of Montgomery County by
1-40 majority vote shall adopt standing orders establishing the duties
1-41 of a magistrate.

1-42 Sec. 54.1356. POWERS. Subject to the standing orders of the
1-43 judges of the district and statutory county courts of Montgomery
1-44 County, the magistrate has all the powers of a magistrate under the
1-45 laws of this state and may:

1-46 (1) set, adjust, and revoke bonds before the filing of
1-47 an information or the return of an indictment;

1-48 (2) conduct examining trials;

1-49 (3) determine whether a defendant is indigent and
1-50 appoint counsel for indigent defendants;

1-51 (4) issue search and arrest warrants;

1-52 (5) issue emergency protective orders;

1-53 (6) order emergency mental commitments;

1-54 (7) conduct juvenile detention hearings if approved by
1-55 the Juvenile Board of Montgomery County; and

1-56 (8) administer an oath for any purpose.

1-57 SECTION 2. This Act takes effect September 1, 2005.

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