

AN ACT

relating to the establishment of criminal law hearing officers in  
Cameron 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. CRIMINAL LAW HEARING OFFICERS IN CAMERON COUNTY

Sec. 54.1351. APPLICATION OF SUBCHAPTER. This subchapter  
applies to Cameron County.

Sec. 54.1352. APPOINTMENT. (a) A majority of the members  
of a board composed of the judges of the district courts and  
statutory county courts of Cameron County may appoint not more than  
two criminal law hearing officers to perform the duties authorized  
by this subchapter.

(b) A criminal law hearing officer appointed under this  
subchapter serves at the pleasure of the board and may be terminated  
at any time in the same manner as appointed.

(c) A criminal law hearing officer is subject to proceedings  
under Section 1-a, Article V, Texas Constitution.

Sec. 54.1353. QUALIFICATIONS. To be eligible for  
appointment as a criminal law hearing officer under this  
subchapter, a person must:

(1) be a resident of Cameron County;

(2) be eligible to vote in this state and in Cameron

1 County;

2 (3) be at least 30 years of age;

3 (4) be a licensed attorney with at least four years'  
4 experience; and

5 (5) have the other qualifications required by the  
6 board.

7 Sec. 54.1354. COMPENSATION. (a) A criminal law hearing  
8 officer is entitled to a salary in the amount set by the  
9 commissioners court.

10 (b) The salary is paid from the county fund available for  
11 payment of officers' salaries.

12 Sec. 54.1355. OATH. A criminal law hearing officer must  
13 take the constitutional oath of office required of appointed  
14 officers of this state.

15 Sec. 54.1356. CRIMINAL JURISDICTION. (a) A criminal law  
16 hearing officer appointed under this subchapter has limited  
17 concurrent jurisdiction over criminal cases filed in the district  
18 courts, statutory county courts, and justice courts of the county.  
19 The jurisdiction of the criminal law hearing officer is limited to:

20 (1) determining probable cause for further detention  
21 of any person detained on a criminal complaint, information, or  
22 indictment filed in the district courts, statutory county courts,  
23 or justice courts of the county;

24 (2) committing the defendant to jail, discharging the  
25 defendant from custody, or admitting the defendant to bail, as the  
26 law and facts of the case require;

27 (3) issuing search warrants and arrest warrants as

1 provided by law for magistrates; and

2 (4) as to criminal cases filed in justice courts,  
3 disposing of cases as provided by law, other than by trial, and  
4 collecting fines and enforcing judgments and orders of the justice  
5 courts in criminal cases.

6 (b) This section does not limit or impair the jurisdiction  
7 of the court in which the complaint, information, or indictment is  
8 filed to review or alter the decision of the criminal law hearing  
9 officer.

10 (c) In a felony or misdemeanor case punishable by  
11 incarceration in the county jail, a criminal law hearing officer  
12 may not dismiss the case, enter a judgment of acquittal or guilt, or  
13 pronounce sentence.

14 Sec. 54.1357. MENTAL HEALTH JURISDICTION. The judges of  
15 the statutory county courts of Cameron County may authorize a  
16 criminal law hearing officer to serve the probate courts of Cameron  
17 County as necessary to hear emergency mental health matters under  
18 Chapter 573, Health and Safety Code. A criminal law hearing officer  
19 has concurrent limited jurisdiction with the probate courts of the  
20 county to hear emergency mental health matters under Chapter 573,  
21 Health and Safety Code. This section does not impair the  
22 jurisdiction of the probate courts to review or alter the decision  
23 of the criminal law hearing officer.

24 Sec. 54.1358. DUTIES AND POWERS. (a) A criminal law  
25 hearing officer shall inform a person arrested of the warnings  
26 described by Article 15.17, Code of Criminal Procedure.

27 (b) A criminal law hearing officer may determine the amount

1 of bail and grant bail under Chapter 17, Code of Criminal Procedure,  
2 and as otherwise provided by law.

3 (c) A criminal law hearing officer may issue a magistrate's  
4 order for emergency apprehension and detention under Chapter 573,  
5 Health and Safety Code, if authorized by the judges of the statutory  
6 county courts of Cameron County and if the criminal law hearing  
7 officer makes each finding required by Section 573.012(b), Health  
8 and Safety Code.

9 (d) The criminal law hearing officer shall be available,  
10 within the time provided by law following a defendant's arrest, to  
11 determine probable cause for further detention, administer  
12 warnings, inform the accused of the pending charges, and determine  
13 all matters pertaining to bail. Criminal law hearing officers  
14 shall be available to review and issue search warrants and arrest  
15 warrants as provided by law.

16 (e) A criminal law hearing officer may dispose of criminal  
17 cases filed in the justice courts as provided by law, other than by  
18 trial, and collect fines and enforce the judgments and orders of the  
19 justice courts in criminal cases.

20 Sec. 54.1359. JUDICIAL IMMUNITY. A criminal law hearing  
21 officer has the same judicial immunity as a district judge,  
22 statutory county court judge, and justice of the peace.

23 Sec. 54.1360. SHERIFF. On request of a criminal law hearing  
24 officer appointed under this subchapter, the sheriff, in person or  
25 by deputy, shall assist the criminal law hearing officer.

26 Sec. 54.1361. CLERK. The district clerk shall perform the  
27 statutory duties necessary for the criminal law hearing officers

1 appointed under this subchapter in cases filed in a district court  
2 or a statutory county court. A person designated to serve as a  
3 clerk of a justice court shall perform the statutory duties  
4 necessary for cases filed in a justice court.

5 SECTION 2. Article 2.09, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 2.09. WHO ARE MAGISTRATES. Each of the following  
8 officers is a magistrate within the meaning of this Code: The  
9 justices of the Supreme Court, the judges of the Court of Criminal  
10 Appeals, the justices of the Courts of Appeals, the judges of the  
11 District Court, the magistrates appointed by the judges of the  
12 district courts of Bexar County, Dallas County, or Tarrant County  
13 that give preference to criminal cases, the criminal law hearing  
14 officers for Harris County appointed under Subchapter L, Chapter  
15 54, Government Code, the criminal law hearing officers for Cameron  
16 County appointed under Subchapter BB, Chapter 54, Government Code,  
17 the magistrates appointed by the judges of the district courts of  
18 Lubbock County or Webb County, the magistrates appointed by the  
19 judges of the criminal district courts of Dallas County or Tarrant  
20 County, the masters appointed by the judges of the district courts  
21 and the county courts at law that give preference to criminal cases  
22 in Jefferson County, the magistrates appointed by the judges of the  
23 district courts and the statutory county courts of Williamson  
24 County, the magistrates appointed by the judges of the district  
25 courts and statutory county courts that give preference to criminal  
26 cases in Travis County, the county judges, the judges of the county  
27 courts at law, judges of the county criminal courts, the judges of

1 statutory probate courts, the associate judges appointed by the  
2 judges of the statutory probate courts under Subchapter G, Chapter  
3 54, Government Code, the justices of the peace, the mayors and  
4 recorders and the judges of the municipal courts of incorporated  
5 cities or towns.

6 SECTION 3. This Act takes effect September 1, 2005.

H.B. No. 3485

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3485 was passed by the House on April 29, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 3485 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3485 on May 29, 2005, by a non-record vote.

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Chief Clerk of the House

H.B. No. 3485

I certify that H.B. No. 3485 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3485 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor