

1-1 By: Duncan S.B. No. 552
1-2 (In the Senate - Filed February 16, 2005; February 28, 2005,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 14, 2005, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 14, 2005, sent to printer.)

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

1-8 relating to the creation of magistrates in Nolan County.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Chapter 54, Government Code, is amended by
1-11 adding Subchapter BB to read as follows:

1-12 SUBCHAPTER BB. MAGISTRATES IN NOLAN COUNTY

1-13 Sec. 54.1701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

1-14 (a) The Commissioners Court of Nolan County may authorize the
1-15 judge of the district court to appoint one or more part-time or
1-16 full-time magistrates to perform the duties authorized by this
1-17 subchapter in Nolan County.

1-18 (b) The judge may appoint magistrates as authorized by the
1-19 Commissioners Court of Nolan County.

1-20 (c) A magistrate serves at the will of the judge.

1-21 (d) An authorized magistrate's position may be eliminated
1-22 on a majority vote of the Commissioners Court of Nolan County.

1-23 Sec. 54.1702. QUALIFICATIONS. To be eligible for
1-24 appointment as a magistrate, a person must:

1-25 (1) be a citizen of the United States;

1-26 (2) have resided in Nolan County for at least the two
1-27 years preceding the person's appointment; and

1-28 (3) have been licensed to practice law in this state
1-29 for at least four years preceding the date of appointment.

1-30 Sec. 54.1703. COMPENSATION. A magistrate is entitled to
1-31 the salary determined by the Commissioners Court of Nolan County.
1-32 The magistrate's salary is paid from the county fund available for
1-33 payment of officers' salaries.

1-34 Sec. 54.1704. JUDICIAL IMMUNITY. A magistrate has the same
1-35 judicial immunity as a district judge.

1-36 Sec. 54.1705. JURISDICTION; RESPONSIBILITY; POWERS.

1-37 (a) To the extent authorized by this subchapter, a magistrate has
1-38 jurisdiction to exercise the authority granted by the judge of the
1-39 district court.

1-40 (b) A magistrate has all of the powers of a magistrate under
1-41 the laws of this state and may administer an oath for any purpose.

1-42 (c) A magistrate shall give preference to performing the
1-43 duties of a magistrate under Article 15.17, Code of Criminal
1-44 Procedure.

1-45 (d) A magistrate is authorized to:

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 an indigent defendant;

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

1-52 (5) conduct initial juvenile detention hearings if
1-53 approved by the juvenile board in Fisher, Mitchell, and Nolan
1-54 Counties.

1-55 (e) A magistrate may:

1-56 (1) issue notices of the setting of a case for a
1-57 hearing;

1-58 (2) conduct hearings;

1-59 (3) compel production of evidence;

1-60 (4) hear evidence;

1-61 (5) issue summons for the appearance of witnesses;

1-62 (6) swear witnesses for hearings;

1-63 (7) regulate proceedings in a hearing; and

1-64 (8) perform any act and take any measure necessary and

2-1 proper for the efficient performance of the duties required by the
2-2 magistrate's jurisdiction and authority.

2-3 SECTION 2. Article 2.09, Code of Criminal Procedure, is
2-4 amended to read as follows:

2-5 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
2-6 officers is a magistrate within the meaning of this Code: The
2-7 justices of the Supreme Court, the judges of the Court of Criminal
2-8 Appeals, the justices of the Courts of Appeals, the judges of the
2-9 District Court, the magistrates appointed by the judges of the
2-10 district courts of Bexar County, Dallas County, or Tarrant County
2-11 that give preference to criminal cases, the criminal law hearing
2-12 officers for Harris County appointed under Subchapter L, Chapter
2-13 54, Government Code, the magistrates appointed by the judges of the
2-14 district courts of Lubbock County, Nolan County, or Webb County,
2-15 the magistrates appointed by the judges of the criminal district
2-16 courts of Dallas County or Tarrant County, the masters appointed by
2-17 the judges of the district courts and the county courts at law that
2-18 give preference to criminal cases in Jefferson County, the
2-19 magistrates appointed by the judges of the district courts and the
2-20 statutory county courts of Williamson County, the magistrates
2-21 appointed by the judges of the district courts and statutory county
2-22 courts that give preference to criminal cases in Travis County, the
2-23 county judges, the judges of the county courts at law, judges of the
2-24 county criminal courts, the judges of statutory probate courts, the
2-25 associate judges appointed by the judges of the statutory probate
2-26 courts under Subchapter G, Chapter 54, Government Code, the
2-27 justices of the peace, and the mayors and recorders and the judges
2-28 of the municipal courts of incorporated cities or towns.

2-29 SECTION 3. This Act takes effect immediately if it receives
2-30 a vote of two-thirds of all the members elected to each house, as
2-31 provided by Section 39, Article III, Texas Constitution. If this
2-32 Act does not receive the vote necessary for immediate effect, this
2-33 Act takes effect September 1, 2005.

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