

By: Whitmire

S.B. No. 1600

A BILL TO BE ENTITLED

AN ACT

relating to criminal law hearing officers in Harris County.

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

SECTION 1. Section 54.852(a), Government Code, is amended to read as follows:

(a) A board composed of three judges of the district courts of Harris County trying criminal cases, three judges of the county criminal courts at law, and three justices of the peace in Harris County may appoint criminal law hearing officers, or qualified persons to serve temporarily for absent criminal law hearing officers, with the consent and approval of the commissioners court, to perform the duties authorized by this subchapter. A quorum is two-thirds of the members of the board.

SECTION 2. Section 54.854(a), Government Code, is amended to read as follows:

(a) Each criminal law hearing officer, including each temporary criminal law hearing officer appointed to serve for an absent criminal law hearing officer, is entitled to a salary in the amount set by the commissioners court.

SECTION 3. Section 54.856, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A criminal law hearing officer appointed under this subchapter has limited concurrent jurisdiction over criminal cases

1 filed in the district courts and[7] county criminal courts at law[7
2 ~~and justice courts of the county~~]. The jurisdiction of the criminal
3 law hearing officer over criminal cases filed in the district
4 courts and county criminal courts at law is limited to:

5 (1) determining probable cause for further detention
6 of any person detained on a criminal complaint, information, or
7 indictment filed in the district courts, county criminal courts at
8 law, or justice courts of the county;

9 (2) committing the defendant to jail, discharging the
10 defendant from custody, or admitting the defendant to bail, as the
11 law and facts of the case require;

12 (3) issuing search warrants and arrest warrants as
13 provided by law for magistrates;

14 (4) as to criminal cases filed in justice courts,
15 disposing of cases as provided by law, other than by trial, and
16 collecting fines and enforcing judgments and orders of the justice
17 courts in criminal cases; and

18 (5) enforcing judgments and orders of the county
19 criminal courts at law in criminal cases.

20 (a-1) A criminal law hearing officer appointed under this
21 subchapter has concurrent jurisdiction over criminal cases filed in
22 the justice courts of the county.

23 SECTION 4. Section 54.858, Government Code, is amended by
24 amending Subsection (a) and adding Subsection (a-1) to read as
25 follows:

26 (a) A criminal law hearing officer has all of the powers of a
27 magistrate under the Code of Criminal Procedure and other laws of

1 this state.

2 (a-1) A criminal law hearing officer shall inform the person
3 arrested, in clear language, of the accusation against the person
4 and of any affidavit filed with the accusation. A criminal law
5 hearing officer shall inform the person arrested of the person's
6 right to retain counsel, to remain silent, to have an attorney
7 present during any interview with a peace officer or an attorney
8 representing the state, to terminate the interview at any time, and
9 to request the appointment of counsel if the person is indigent and
10 cannot afford counsel. The criminal law hearing officer shall also
11 inform the person arrested that the person is not required to make a
12 statement and that any statement made by the person may be used
13 against the person. The criminal law hearing officer must allow the
14 person arrested reasonable time and opportunity to consult counsel
15 and shall admit the person arrested to bail if allowed by law.

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

18 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
19 officers is a magistrate within the meaning of this Code: The
20 justices of the Supreme Court, the judges of the Court of Criminal
21 Appeals, the justices of the Courts of Appeals, the judges of the
22 District Court, the magistrates appointed by the judges of the
23 district courts of Bexar County, Dallas County, or Tarrant County
24 that give preference to criminal cases, the criminal law hearing
25 officers for Harris County appointed under Subchapter L, Chapter
26 54, Government Code, the magistrates appointed by the judges of the
27 district courts of Lubbock County or Webb County, the magistrates

1 appointed by the judges of the criminal district courts of Dallas
2 County or Tarrant County, the masters appointed by the judges of the
3 district courts and the county courts at law that give preference to
4 criminal cases in Jefferson County, the magistrates appointed by
5 the judges of the district courts and the statutory county courts of
6 Williamson County, the magistrates appointed by the judges of the
7 district courts and statutory county courts that give preference to
8 criminal cases in Travis County, the county judges, the judges of
9 the county courts at law, judges of the county criminal courts, the
10 judges of statutory probate courts, the associate judges appointed
11 by the judges of the statutory probate courts under Subchapter G,
12 Chapter 54, Government Code, the criminal law hearing officers
13 appointed under Subchapter L, Chapter 54, Government Code, the
14 justices of the peace, and the mayors and recorders and the judges
15 of the municipal courts of incorporated cities or towns.

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