

BILL ANALYSIS

Senate Research Center
80R3475 KFF-D

S.B. 1404
By: Whitmire
Criminal Justice
4/14/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Criminal law hearing officers in Harris County have limited concurrent jurisdiction over criminal cases filed in the district courts, county criminal courts at law, justices of the peace, and statutory probate courts.

As proposed, S.B. 1404 grants concurrent jurisdiction over criminal cases filed in justice courts of Harris County and all other additional powers as a magistrate, specified in the Code of Criminal Procedure and other laws of this state, to criminal law hearing officers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.856(a), Government Code, as follows:

(a) Provides that a criminal law hearing officer appointed under this subchapter has limited concurrent jurisdiction over criminal cases filed in the district courts and county criminal courts at law of the county, and has concurrent jurisdiction over criminal cases filed in the justice courts of the county. Provides that in criminal cases filed in the district courts and county criminal courts at law, the jurisdiction of the criminal law hearing officer is limited to certain actions, including determining probable cause for further detention of any person detained on a criminal complaint, information, or indictment filed in the district courts or county criminal courts, rather than those courts and the justice courts of the county. Deletes existing text limiting the jurisdiction of the criminal law hearing officer to disposing of cases and collecting fines and enforcing judgments and orders of the justice courts in criminal cases.

SECTION 2. Amends Sections 54.585(a) and (e), Government Code, as follows:

(a) Sets forth the duties and responsibilities of a criminal law hearing officer. Provides that a criminal law hearing officer has all other powers and duties of a magistrate specified by the Code of Criminal Procedure and other laws of this state.

(e) Authorizes a criminal law hearing officer to dispose of criminal cases filed in the justice court as provided by law, including by trial, and collect fines and enforce the judgments and orders of the justice courts in criminal cases.

SECTION 3. Effective date: September 1, 2007.