

## **BILL ANALYSIS**

S.B. 2025  
By: Averitt  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, McLennan County needs a magistrate; however, the need for a magistrate's services is inconsistent and fluctuates. The position has varying hours and is difficult for a justice of the peace to fill.

This bill authorizes certain judges in McLennan County to appoint one or more magistrates to control the flow of prisoners in and out of the McLennan County jail. This bill authorizes the magistrate to investigate applicants for personal bonds, give statutory warnings, set bonds, and issue personal bonds to qualified defendants. This bill provides a magistrate with the same judicial immunity as a district judge.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 54, Government Code, by adding Subchapter CC, as follows:

#### **SUBCHAPTER CC. MAGISTRATES IN MCLENNAN COUNTY**

Sec. 54.1511. APPOINTMENT. Authorizes the judges of the district courts in McLennan County that give preference to criminal cases and the judges of the county courts at law of McLennan County that give preference to criminal cases, with the consent and approval of the Commissioners Court of McLennan County (commissioners court) to appoint the number of magistrates determined by the commissioners court to perform the duties authorized by this subchapter.

Sec. 54.1512. QUALIFICATION. Requires a person to be a resident of McLennan County, Texas, and have been licensed to practice law or served as a judge or magistrate in this state for at least four years to be eligible for appointment as a magistrate.

Sec. 54.1513. COMPENSATION. Entitles a magistrate to the salary determined by the commissioners court.

Sec. 54.1514. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1515. POWERS. (a) Authorizes the magistrate to investigate applications for personal bonds, give statutory warnings, set bonds, including surety bonds, and issue personal bonds to qualified defendants, subject to the standing orders of the appointing judges.

(b) Provides that the county judge has the same powers as a magistrate appointed under this section.

(c) Authorizes a magistrate to administer oaths for any purpose.

### **EFFECTIVE DATE**

Immediately on receipt of required vote; otherwise September 1, 2007.