

By: Anderson

H.B. No. 4039

Substitute the following for H.B. No. 4039:

By: Hartnett

C.S.H.B. No. 4039

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of magistrates in McLennan County.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter CC to read as follows:

SUBCHAPTER CC. MAGISTRATES IN MCLENNAN COUNTY

Sec. 54.1511. APPOINTMENT. 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, may appoint the number of magistrates determined by the commissioners court to perform the duties authorized by this subchapter.

Sec. 54.1512. QUALIFICATION. To be eligible for appointment as a magistrate, a person must:

(1) be a resident of McLennan County, Texas; and

(2) have been licensed to practice law in this state or served as a judge or magistrate in this state for at least four years.

Sec. 54.1513. COMPENSATION. A magistrate is entitled to the salary determined by the Commissioners Court of McLennan County.

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

Sec. 54.1515. POWERS. (a) Subject to the standing orders

1 of the appointing judges, a magistrate may:

2 (1) investigate applications for personal bonds;

3 (2) give statutory warnings;

4 (3) set bonds, including surety bonds; and

5 (4) issue personal bonds to qualified defendants.

6 (b) The county judge has the same powers as a magistrate
7 appointed under this subchapter.

8 (c) A magistrate may administer oaths for any purpose.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.