

By: Anderson

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 Commissioners Court of McLennan County may appoint one or more magistrates to perform the duties authorized by this subchapter.

Sec. 54.1512. QUALIFICATION. To be eligible for appointment as a magistrate, a person must be a resident of McLennan County, Texas.

Sec. 54.1513. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.1514. POWERS. (a) Subject to the standing orders of the Commissioners Court of McLennan County, a magistrate has the same powers as a magistrate under Chapters 16 and 17, Code of Criminal Procedure, or under any other laws of this state with regard to setting bail, issuing required warnings, or conducting examining trials.

(b) The county judge has the same powers as a magistrate.

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.