

By: Anderson (Senate Sponsor - Averitt) H.B. No. 4039
(In the Senate - Received from the House May 10, 2007;
May 14, 2007, read first time and referred to Committee on
Jurisprudence; May 17, 2007, reported favorably by the following
vote: Yeas 5, Nays 0; May 17, 2007, sent to printer.)

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
of the appointing judges, a magistrate may:

(1) investigate applications for personal bonds;
(2) give statutory warnings;
(3) set bonds, including surety bonds; and
(4) issue personal bonds to qualified defendants.

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

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

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