

By: Whitmire

S.B. No. 1404

A BILL TO BE ENTITLED

AN ACT

relating to criminal law hearing officers in certain counties.

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

SECTION 1. Subsection (a), Section 54.856, Government Code, is amended to read as follows:

(a) 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 concurrent jurisdiction over criminal cases filed in the justice courts of the county. In criminal cases filed in the district courts and county criminal courts at law, the [The] jurisdiction of the criminal law hearing officer is limited to:

(1) 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 at law ~~[, or justice courts of the county]~~;

(2) committing the defendant to jail, discharging the defendant from custody, or admitting the defendant to bail, as the law and facts of the case require;

(3) issuing search warrants and arrest warrants as provided by law for magistrates; and

(4) ~~[as to criminal cases filed in justice courts, disposing of cases as provided by law, other than by trial, and collecting fines and enforcing judgments and orders of the justice~~

1 ~~courts in criminal cases, and~~

2           ~~[(5)]~~ enforcing judgments and orders of the county  
3 criminal courts at law in criminal cases.

4           SECTION 2. Subsections (a) and (e), Section 54.858,  
5 Government Code, are amended to read as follows:

6           (a) A criminal law hearing officer shall inform the person  
7 arrested, in clear language, of the accusation against the person  
8 and of any affidavit filed with the accusation. A criminal law  
9 hearing officer shall inform the person arrested of the person's  
10 right to retain counsel, to remain silent, to have an attorney  
11 present during any interview with a peace officer or an attorney  
12 representing the state, to terminate the interview at any time, and  
13 to request the appointment of counsel if the person is indigent and  
14 cannot afford counsel. The criminal law hearing officer shall also  
15 inform the person arrested that the person is not required to make a  
16 statement and that any statement made by the person may be used  
17 against the person. The criminal law hearing officer must allow the  
18 person arrested reasonable time and opportunity to consult counsel  
19 and shall admit the person arrested to bail if allowed by law. In  
20 addition to the powers and duties specified by this section, a  
21 criminal law hearing officer has all other powers and duties of a  
22 magistrate specified by the Code of Criminal Procedure and other  
23 laws of this state.

24           (e) A criminal law hearing officer may dispose of criminal  
25 cases filed in the justice court as provided by law~~[, other than by~~  
26 ~~trial,~~] and collect fines and enforce the judgments and orders of  
27 the justice courts in criminal cases.

1 SECTION 3. This Act takes effect September 1, 2007.