

1-1 By: Whitmire S.B. No. 1404  
1-2 (In the Senate - Filed March 7, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 18, 2007, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to criminal law hearing officers in certain counties.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (a), Section 54.856, Government Code,  
1-11 is amended to read as follows:

1-12 (a) A criminal law hearing officer appointed under this  
1-13 subchapter has limited concurrent jurisdiction over criminal cases  
1-14 filed in the district courts and ~~[7]~~ county criminal courts at law of  
1-15 the county ~~[7]~~ and concurrent jurisdiction over criminal cases filed  
1-16 in the justice courts of the county. In criminal cases filed in the  
1-17 district courts and county criminal courts at law, the ~~[The]~~  
1-18 jurisdiction of the criminal law hearing officer is limited to:

1-19 (1) determining probable cause for further detention  
1-20 of any person detained on a criminal complaint, information, or  
1-21 indictment filed in the district courts or ~~[7]~~ county criminal  
1-22 courts at law ~~[, or justice courts of the county];~~

1-23 (2) committing the defendant to jail, discharging the  
1-24 defendant from custody, or admitting the defendant to bail, as the  
1-25 law and facts of the case require;

1-26 (3) issuing search warrants and arrest warrants as  
1-27 provided by law for magistrates; and

1-28 (4) ~~[as to criminal cases filed in justice courts,~~  
1-29 ~~disposing of cases as provided by law, other than by trial, and~~  
1-30 ~~collecting fines and enforcing judgments and orders of the justice~~  
1-31 ~~courts in criminal cases; and~~

1-32 ~~[(5)]~~ enforcing judgments and orders of the county  
1-33 criminal courts at law in criminal cases.

1-34 SECTION 2. Subsections (a) and (e), Section 54.858,  
1-35 Government Code, are amended to read as follows:

1-36 (a) A criminal law hearing officer shall inform the person  
1-37 arrested, in clear language, of the accusation against the person  
1-38 and of any affidavit filed with the accusation. A criminal law  
1-39 hearing officer shall inform the person arrested of the person's  
1-40 right to retain counsel, to remain silent, to have an attorney  
1-41 present during any interview with a peace officer or an attorney  
1-42 representing the state, to terminate the interview at any time, and  
1-43 to request the appointment of counsel if the person is indigent and  
1-44 cannot afford counsel. The criminal law hearing officer shall also  
1-45 inform the person arrested that the person is not required to make a  
1-46 statement and that any statement made by the person may be used  
1-47 against the person. The criminal law hearing officer must allow the  
1-48 person arrested reasonable time and opportunity to consult counsel  
1-49 and shall admit the person arrested to bail if allowed by law. In  
1-50 addition to the powers and duties specified by this section, a  
1-51 criminal law hearing officer has all other powers and duties of a  
1-52 magistrate specified by the Code of Criminal Procedure and other  
1-53 laws of this state.

1-54 (e) A criminal law hearing officer may dispose of criminal  
1-55 cases filed in the justice court as provided by law ~~[, other than by~~  
1-56 ~~trial,]~~ and collect fines and enforce the judgments and orders of  
1-57 the justice courts in criminal cases.

1-58 SECTION 3. This Act takes effect September 1, 2007.

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