

BILL ANALYSIS

Senate Research Center
81R23345 YDB-D

H.B. 3554
By: Bonnen (Jackson)
Jurisprudence
5/11/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently a Brazoria County district court associate judge is authorized to handle family law matters and drug court proceedings and may preside over civil jury trials if agreed to by all parties. This legislation authorizes the judge of a district court in Brazoria County to appoint one or more associate judges to handle certain additional matters that may be referred from a district judge, including accepting negotiated pleas in criminal cases. The bill prohibits an associate judge from presiding over a criminal trial on the merits, whether or not the trial is before a jury.

H.B. 3554 relates to the appointment of an associate judge to serve a district court in Brazoria County.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 54, Government Code, by adding Subchapter II, as follows:

SUBCHAPTER II. ASSOCIATE JUDGES IN BRAZORIA COUNTY

Sec. 54.1901. APPLICATION. Provides that this subchapter applies to a district court in Brazoria County.

Sec. 54.1902. APPOINTMENT. Authorizes the judge of a district court subject to this subchapter to appoint one or more associate judges to perform the duties authorized by this subchapter, Subchapter GG (Magistrates for Drug Court Programs), and Chapter 201 (Associate Judge), Family Code.

Sec. 54.1903. POWERS. Provides that an associate judge appointed under this chapter has the powers provided by this subchapter, Subchapter GG, and Chapter 201, Family Code.

Sec. 54.1904. PROCEEDINGS THAT MAY BE REFERRED. (a) Authorizes a judge of a court to refer to an associate judge any civil case authorized under Section 201.005 (Cases That May be Referred), Family Code, or Title 3 (Juvenile Justice Code), Family Code; any criminal case for proceedings involving a negotiated plea of guilty before the court, a bond forfeiture, a pretrial motion, a postconviction writ of habeas corpus, an examining trial, and any other matter the judge considers necessary and proper; and any drug court proceeding authorized under Subchapter GG.

(b) Prohibits an associate judge from presiding over a criminal trial on the merits, whether or not the trial is before a jury.

Sec. 54.1905. JUDICIAL IMMUNITY. Provides that an associate judge appointed under this subchapter has the same judicial immunity as a district judge.

SECTION 2. Amends Article 2.09, Code of Criminal Procedure, to provide that the associate judges appointed by the judge of a district court under Subchapter II, Chapter 54 (Masters;

Magistrates; Referees; Associate Judges), Government Code, among other certain officers, are magistrates within the meaning of this code.

SECTION 3. Effective date: upon passage or September 1, 2009.