

BILL ANALYSIS

C.S.H.B. 3554
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.H.B. 3554 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3554 amends the Government Code to authorize the judge of a district court in Brazoria County to appoint one or more associate judges to perform the duties and have the powers authorized and provided by the bill's provisions, provisions relating to a magistrate for a drug court program, and provisions relating to an associate judge and certain family law matters. The bill authorizes a judge of a court to refer the following to an associate judge: any civil case authorized under certain provisions relating to the referral of suits in certain family law matters; any criminal case for proceedings involving a negotiated plea of guilty before the court, a bond forfeiture, a pretrial motion, a post-conviction writ of habeas corpus, an examining trial, and any other matter the judge considers necessary and proper; and any drug court proceeding authorized under provisions relating to magistrates for drug court programs. The bill prohibits an associate judge from presiding over a criminal trial on the merits, whether or not the trial is before a jury.

C.S.H.B. 3554 amends the Code of Criminal Procedure to add an associate judge appointed by the judge of a district court under the above provisions to the list of officers that are magistrates within the meaning of the Code of Criminal Procedure.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by authorizing a judge of a court to refer to an associate judge any civil case authorized under Section 201.005, Family Code, or Title 3, Family Code.

The substitute further modifies the original by granting an associate judge the same judicial immunity as a district judge.