

BILL ANALYSIS

Senate Research Center
81R23465 YDB-F

H.B. 4750
By: Geren (Nelson)
Jurisprudence
5/21/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4750 amends the Government Code to authorize the governing body of the City of White Settlement to appoint one or more magistrates to act on behalf of a municipal court of record or a municipal court in the City of White Settlement. The bill provides that a magistrate is not required to possess all the qualifications necessary to be a municipal court of record judge, and prohibits a magistrate from presiding over the court or hearing contested cases. The bill authorizes a magistrate to conduct an arraignment, hold an indigency hearing, accept a plea, sign a judgment, set the amount of a bond, and perform other functions set out in the Code of Criminal Procedure regarding duties of a magistrate.

H.B. 4750 amends current law relating to the appointment of magistrates in the White Settlement municipal courts.

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 Subchapter DD, Chapter 30, Government Code, by adding Section 30.01137, as follows:

Sec. 30.01137. MAGISTRATES. (a) Authorizes the governing body to appoint one or more magistrates to act on behalf of a municipal court of record or a municipal court in the city of White Settlement.

(b) Provides that a magistrate is not required to possess all the qualifications necessary to be a municipal court of record judge.

(c) Prohibits a magistrate from presiding over the court or from hearing contested cases.

(d) Authorizes a magistrate to conduct an arraignment, hold an indigency hearing, accept a plea, sign a judgment, set the amount of a bond, and perform other functions under Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

SECTION 2. Effective date: upon passage or September 1, 2009.