

BILL ANALYSIS

C.S.H.B. 4750
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

For greater efficiency and cost savings, some municipalities have been granted permission by the legislature to allow the use of magistrates in municipal courts of record. Current law does not allow the city of White Settlement to have magistrates serve in municipal courts of record.

C.S.H.B. 4750 authorizes 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 White Settlement in a capacity similar to magistrates serving in other municipalities.

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. 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 Code of Criminal Procedure provisions on duties of a magistrate.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4750 adds a provision not in the original specifying that the appointed magistrates are to act on behalf of a municipal court of record or a municipal court in the city of White Settlement.