

AN ACT

relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.906, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A judge may refer to a magistrate any criminal case for proceedings involving:

- (1) a bond forfeiture;
- (2) a pretrial motion;
- (3) a postconviction writ of habeas corpus;
- (4) an examining trial;
- (5) the issuance of search warrants, including a search warrant under Article 18.02(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure;
- (6) the setting of bonds;
- (7) the arraignment of defendants; and
- (8) any other matter the judge considers necessary and proper, including a negotiated plea of guilty before the court.

(c) Subsection (a)(5) does not apply to the issuance of a subsequent search warrant under Article 18.02(10), Code of Criminal Procedure.

SECTION 2. Section 54.908, Government Code, is amended to

1 read as follows:

2 Sec. 54.908. POWERS. (a) Except as limited by an order of
3 referral, a magistrate to whom a case is referred may:

- 4 (1) conduct hearings;
- 5 (2) hear evidence;
- 6 (3) compel production of relevant evidence;
- 7 (4) rule on admissibility of evidence;
- 8 (5) issue summons for the appearance of witnesses;
- 9 (6) examine witnesses;
- 10 (7) swear witnesses for hearings;
- 11 (8) make findings of fact on evidence;
- 12 (9) formulate conclusions of law;
- 13 (10) rule on a pretrial motion;
- 14 (11) recommend the rulings, orders, or judgment to be
15 made in a case;
- 16 (12) regulate proceedings in a hearing;
- 17 (13) accept a plea of guilty for a misdemeanor from a
18 defendant charged with both misdemeanor and felony offenses; ~~and~~
- 19 (14) notwithstanding Article 18.01(c), Code of
20 Criminal Procedure, issue a search warrant under Article 18.02(10),
21 Code of Criminal Procedure; and
- 22 (15) do any act and take any measure necessary and
23 proper for the efficient performance of the duties required by the
24 order of referral.

25 (b) A magistrate does not have authority under Subsection
26 (a)(14) to issue a subsequent search warrant under Article
27 18.02(10), Code of Criminal Procedure.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1722 was passed by the House on April 15, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1722 on May 25, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1722 on May 31, 2009, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 1722

I certify that H.B. No. 1722 was passed by the Senate, with amendments, on May 22, 2009, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1722 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor