

By: Castro

H.B. No. 1722

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 (1) a bond forfeiture;

11 (2) a pretrial motion;

12 (3) a postconviction writ of habeas corpus;

13 (4) an examining trial;

14 (5) the issuance of search warrants, including a  
15 search warrant under Article 18.02(10), Code of Criminal Procedure,  
16 notwithstanding Article 18.01(c), Code of Criminal Procedure;

17 (6) the setting of bonds;

18 (7) the arraignment of defendants; ~~and~~

19 (8) a plea of guilty or nolo contendere from a  
20 defendant charged with:

21 (A) a felony;

22 (B) a Class C misdemeanor; or

23 (C) any misdemeanor if the defendant is charged  
24 with both misdemeanor and felony offenses; and

1           (9) any other matter the judge considers necessary and  
2 proper [~~, including a negotiated plea of guilty before the court~~].

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

6           SECTION 2. Section 54.908, Government Code, is amended to  
7 read as follows:

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

- 10           (1) conduct hearings;
- 11           (2) hear evidence;
- 12           (3) compel production of relevant evidence;
- 13           (4) rule on admissibility of evidence;
- 14           (5) issue summons for the appearance of witnesses;
- 15           (6) examine witnesses;
- 16           (7) swear witnesses for hearings;
- 17           (8) make findings of fact on evidence;
- 18           (9) formulate conclusions of law;
- 19           (10) rule on a pretrial motion;
- 20           (11) recommend the rulings, orders, or judgment to be  
21 made in a case;
- 22           (12) regulate proceedings in a hearing;
- 23           (13) accept a plea of guilty or nolo contendere [~~for a~~  
24 ~~misdemeanor~~] from a defendant charged with:

25                   (A) a felony;

26                   (B) a Class C misdemeanor; or

27                   (C) any [~~both~~] misdemeanor if the defendant is

1 charged with both misdemeanor and felony offenses; [~~and~~]

2           (14) notwithstanding Article 18.01(c), Code of  
3 Criminal Procedure, issue a search warrant under Article 18.02(10),  
4 Code of Criminal Procedure; and

5           (15) do any act and take any measure necessary and  
6 proper for the efficient performance of the duties required by the  
7 order of referral.

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

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