

1-1 By: Castro, et al. (Senate Sponsor - Uresti) H.B. No. 1722  
1-2 (In the Senate - Received from the House April 16, 2009;  
1-3 April 27, 2009, read first time and referred to Committee on  
1-4 Criminal Justice; May 21, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1722 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the proceedings that may be referred to and the powers  
1-11 of a criminal law magistrate in Bexar County.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 54.906, Government Code, is amended by  
1-14 amending Subsection (a) and adding Subsection (c) to read as  
1-15 follows:

1-16 (a) A judge may refer to a magistrate any criminal case or  
1-17 matter for proceedings involving:

1-18 (1) ~~[a bond forfeiture;~~  
1-19 ~~(2)]~~ a pretrial motion;  
1-20 (2) ~~(3)]~~ a postconviction writ of habeas corpus;  
1-21 (3) ~~(4)]~~ an examining trial;  
1-22 (4) ~~(5)]~~ the issuance of search warrants, including a  
1-23 search warrant under Article 18.02(10), Code of Criminal Procedure,  
1-24 notwithstanding Article 18.01(c), Code of Criminal Procedure;

1-25 (5) ~~(6)]~~ the setting of bonds;  
1-26 (6) ~~(7)]~~ the arraignment of defendants; and  
1-27 (7) ~~(8)]~~ any other matter the judge considers  
1-28 necessary and proper ~~[, including a negotiated plea of guilty before~~  
1-29 ~~the court].~~

1-30 (c) Subsection (a)(4) does not apply to the issuance of a  
1-31 subsequent search warrant under Article 18.02(10), Code of Criminal  
1-32 Procedure.

1-33 SECTION 2. Section 54.908, Government Code, is amended to  
1-34 read as follows:

1-35 Sec. 54.908. POWERS. (a) Except as limited by an order  
1-36 of referral, a magistrate to whom a case is referred may:

1-37 (1) conduct hearings;  
1-38 (2) hear evidence;  
1-39 (3) compel production of relevant evidence;  
1-40 (4) rule on admissibility of evidence;  
1-41 (5) issue summons for the appearance of witnesses;  
1-42 (6) examine witnesses;  
1-43 (7) swear witnesses for hearings;  
1-44 (8) make findings of fact on evidence;  
1-45 (9) formulate conclusions of law;  
1-46 (10) rule on a pretrial motion;  
1-47 (11) recommend the rulings, orders, or judgment to be  
1-48 made in a case;

1-49 (12) regulate proceedings in a hearing;  
1-50 (13) notwithstanding Article 18.01(c), Code of  
1-51 Criminal Procedure, issue a search warrant under Article 18.02(10),  
1-52 Code of Criminal Procedure [accept a plea of guilty for a  
1-53 misdemeanor from a defendant charged with both misdemeanor and  
1-54 felony offenses]; and

1-55 (14) do any act and take any measure necessary and  
1-56 proper for the efficient performance of the duties required by the  
1-57 order of referral.

1-58 (b) A magistrate does not have authority under Subsection  
1-59 (a)(13) to issue a subsequent search warrant under Article  
1-60 18.02(10), Code of Criminal Procedure.

1-61 SECTION 3. This Act takes effect immediately if it receives  
1-62 a vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2009.

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