

By: Bonnen

H.B. No. 3554

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of an associate judge to serve a district court in Brazoria County.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter II to read as follows:

SUBCHAPTER II. ASSOCIATE JUDGES IN BRAZORIA COUNTY

Sec. 54.1901. APPLICATION. This subchapter applies to a district court in Brazoria County.

Sec. 54.1902. APPOINTMENT. The judge of a district court subject to this subchapter may appoint one or more associate judges to perform the duties authorized by this subchapter, Subchapter GG, and Chapter 201, Family Code.

Sec. 54.1903. POWERS. An associate judge appointed under this chapter has the powers provided by this subchapter, Subchapter GG, and Chapter 201, Family Code.

Sec. 54.1904. PROCEEDINGS THAT MAY BE REFERRED. (a) A judge of a court may refer to an associate judge:

(1) any civil case authorized under Section 201.005, Family Code, or Title 3, Family Code;

(2) any criminal case for proceedings involving:

(A) a negotiated plea of guilty before the court;

(B) a bond forfeiture;

(C) a pretrial motion;

- 1 (D) a postconviction writ of habeas corpus;
- 2 (E) an examining trial; and
- 3 (F) any other matter the judge considers
- 4 necessary and proper; and
- 5 (3) any drug court proceeding authorized under
- 6 Subchapter GG.

7 (b) An associate judge may not preside over a criminal trial
8 on the merits, whether or not the trial is before a jury.

9 Sec. 54.1905. JUDICIAL IMMUNITY. An associate judge
10 appointed under this subchapter has the same judicial immunity as a
11 district judge.

12 SECTION 2. Article 2.09, Code of Criminal Procedure, is
13 amended to read as follows:

14 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
15 officers is a magistrate within the meaning of this Code: The
16 justices of the Supreme Court, the judges of the Court of Criminal
17 Appeals, the justices of the Courts of Appeals, the judges of the
18 District Court, the magistrates appointed by the judges of the
19 district courts of Bexar County, Dallas County, or Tarrant County
20 that give preference to criminal cases, the criminal law hearing
21 officers for Harris County appointed under Subchapter L, Chapter
22 54, Government Code, the criminal law hearing officers for Cameron
23 County appointed under Subchapter BB, Chapter 54, Government Code,
24 the magistrates appointed by the judges of the district courts of
25 Lubbock County, Nolan County, or Webb County, the magistrates
26 appointed by the judges of the criminal district courts of Dallas
27 County or Tarrant County, the masters appointed by the judges of the

1 district courts and the county courts at law that give preference to
2 criminal cases in Jefferson County, the magistrates appointed by
3 the judges of the district courts and the statutory county courts of
4 Brazos County, Nueces County, or Williamson County, the magistrates
5 appointed by the judges of the district courts and statutory county
6 courts that give preference to criminal cases in Travis County, the
7 county judges, the judges of the county courts at law, judges of the
8 county criminal courts, the judges of statutory probate courts, the
9 associate judges appointed by the judges of the statutory probate
10 courts under Subchapter G, Chapter 54, Government Code, the
11 associate judges appointed by the judge of a district court under
12 Subchapter II, Chapter 54, Government Code, the justices of the
13 peace, and the mayors and recorders and the judges of the municipal
14 courts of incorporated cities or towns.

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