

1-1 By: Bonnen (Senate Sponsor - Jackson) H.B. No. 3554
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 14, 2009, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the appointment of an associate judge to serve a
1-9 district court in Brazoria County.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 54, Government Code, is amended by
1-12 adding Subchapter II to read as follows:

1-13 SUBCHAPTER II. ASSOCIATE JUDGES IN BRAZORIA COUNTY

1-14 Sec. 54.1901. APPLICATION. This subchapter applies to a
1-15 district court in Brazoria County.

1-16 Sec. 54.1902. APPOINTMENT. The judge of a district court
1-17 subject to this subchapter may appoint one or more associate judges
1-18 to perform the duties authorized by this subchapter, Subchapter GG,
1-19 and Chapter 201, Family Code.

1-20 Sec. 54.1903. POWERS. An associate judge appointed under
1-21 this chapter has the powers provided by this subchapter, Subchapter
1-22 GG, and Chapter 201, Family Code.

1-23 Sec. 54.1904. PROCEEDINGS THAT MAY BE REFERRED. (a) A
1-24 judge of a court may refer to an associate judge:

1-25 (1) any civil case authorized under Section 201.005,
1-26 Family Code, or Title 3, Family Code;

1-27 (2) any criminal case for proceedings involving:

1-28 (A) a negotiated plea of guilty before the court;

1-29 (B) a bond forfeiture;

1-30 (C) a pretrial motion;

1-31 (D) a postconviction writ of habeas corpus;

1-32 (E) an examining trial; and

1-33 (F) any other matter the judge considers
1-34 necessary and proper; and

1-35 (3) any drug court proceeding authorized under
1-36 Subchapter GG.

1-37 (b) An associate judge may not preside over a criminal trial
1-38 on the merits, whether or not the trial is before a jury.

1-39 Sec. 54.1905. JUDICIAL IMMUNITY. An associate judge
1-40 appointed under this subchapter has the same judicial immunity as a
1-41 district judge.

1-42 SECTION 2. Article 2.09, Code of Criminal Procedure, is
1-43 amended to read as follows:

1-44 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
1-45 officers is a magistrate within the meaning of this Code: The
1-46 justices of the Supreme Court, the judges of the Court of Criminal
1-47 Appeals, the justices of the Courts of Appeals, the judges of the
1-48 District Court, the magistrates appointed by the judges of the
1-49 district courts of Bexar County, Dallas County, or Tarrant County
1-50 that give preference to criminal cases, the criminal law hearing
1-51 officers for Harris County appointed under Subchapter L, Chapter
1-52 54, Government Code, the criminal law hearing officers for Cameron
1-53 County appointed under Subchapter BB, Chapter 54, Government Code,
1-54 the magistrates appointed by the judges of the district courts of
1-55 Lubbock County, Nolan County, or Webb County, the magistrates
1-56 appointed by the judges of the criminal district courts of Dallas
1-57 County or Tarrant County, the masters appointed by the judges of the
1-58 district courts and the county courts at law that give preference to
1-59 criminal cases in Jefferson County, the magistrates appointed by
1-60 the judges of the district courts and the statutory county courts of
1-61 Brazos County, Nueces County, or Williamson County, the magistrates
1-62 appointed by the judges of the district courts and statutory county
1-63 courts that give preference to criminal cases in Travis County, the
1-64 county judges, the judges of the county courts at law, judges of the

2-1 county criminal courts, the judges of statutory probate courts, the
2-2 associate judges appointed by the judges of the statutory probate
2-3 courts under Subchapter G, Chapter 54, Government Code, the
2-4 associate judges appointed by the judge of a district court under
2-5 Subchapter II, Chapter 54, Government Code, the justices of the
2-6 peace, and the mayors and recorders and the judges of the municipal
2-7 courts of incorporated cities or towns.

2-8 SECTION 3. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2009.

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