

BILL ANALYSIS

C.S.H.B. 994
By: Castro
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a judge in Bexar County can refer certain proceedings in a criminal case to a criminal law magistrate in that county and the magistrate can exercise certain powers on such a referral. C.S.H.B. 994 expands the proceedings that can be referred to a Bexar County criminal magistrate and expands the powers a magistrate can exercise in such proceedings.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 994 amends the Government Code to include among the criminal case proceedings a judge in Bexar County is authorized to refer to a criminal law magistrate in the county a proceeding involving a plea of nolo contendere from a defendant charged with a felony offense, a misdemeanor offense when charged with both a misdemeanor offense and a felony offense, or a misdemeanor offense. The bill specifies that such authorization applies also to a proceeding involving a plea of guilty from a defendant charged with such an offense, rather than a negotiated plea of guilty before the court.

C.S.H.B. 994 authorizes a criminal law magistrate in Bexar County to whom a case is referred, except as limited by an order of referral, to accept a plea of guilty or nolo contendere from a defendant charged with a felony offense, a misdemeanor offense when charged with both a misdemeanor offense and a felony offense, or a misdemeanor offense, rather than only a plea of guilty for a misdemeanor from a defendant charged with both misdemeanor and felony offenses.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 994 differs from the original by authorizing the judge to refer to the magistrate a criminal proceeding involving a plea of guilty or nolo contendere from a defendant charged with any misdemeanor offense, whereas the original authorizes the judge to refer a criminal proceeding involving such a plea from a defendant charged with a Class C misdemeanor offense. The substitute differs from the original by authorizing the magistrate to accept a plea of guilty or nolo contendere from a defendant charged with any misdemeanor offense, whereas the original authorizes the magistrate to accept such a plea from a defendant charged with a Class C misdemeanor offense. The substitute differs from the original by making nonsubstantive changes not included in the original.