BILL ANALYSIS

Senate Research Center   S.B. 1242
                                                                                  By: West
                                                                             Jurisprudence
                                                                                 8/5/2011
                                                                                  Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 54.1171 (Application of Subchapter), Government Code, allows county judges in counties with over two million people to appoint magistrates to hear truancy cases. This legislation was passed in 2003 by the 78th Texas Legislature. This statute requires the appointing judge to adopt, modify, or reject the magistrate's recommendations by the third working day after the judge receives the recommendations.

S.B. 1242 improves the efficiency of this statute by stating that the recommendation is automatically adopted if the appointing judge takes no action by the third working day after the judge receives the recommendation. The bill also extends to the magistrate the same judicial immunity that is extended to a district judge.

Similar provisions already exist for other associate judges in Dallas County.

S.B. 1242 amends current law relating to the judicial immunity and powers of certain magistrates.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.1176(b), Government Code, to provide that the recommendations of the magistrate are adopted by the judge if the judge does not take action in the time provided by this subsection.

SECTION 2. Amends Subchapter W, Chapter 54, Government Code, by adding Section 54.1177, as follows:

> Sec. 54.1177. JUDICIAL IMMUNITY. Provides that a magistrate appointed under this subchapter has the same judicial immunity as a district judge.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.