

By: Castro

H.B. No. 994

Substitute the following for H.B. No. 994:

By: Rodriguez

C.S.H.B. No. 994

A BILL TO BE ENTITLED

1 AN ACT
2 relating to proceedings that may be referred to and the powers of a
3 criminal law magistrate in Bexar County.

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

5 SECTION 1. Section 54.906(a), Government Code, is amended
6 to read as follows:

7 (a) A judge may refer to a magistrate any criminal case for
8 proceedings involving:

- 9 (1) a bond forfeiture;
- 10 (2) a pretrial motion;
- 11 (3) a postconviction writ of habeas corpus;
- 12 (4) an examining trial;
- 13 (5) the issuance of search warrants, including a
14 search warrant under Article 18.02(10), Code of Criminal Procedure,
15 notwithstanding Article 18.01(c), Code of Criminal Procedure;
- 16 (6) the setting of bonds;
- 17 (7) the arraignment of defendants; and
- 18 (8) any other matter the judge considers necessary and
19 proper, including a ~~negotiated~~ plea of guilty or nolo contendere
20 from a defendant charged with:

- 21 (A) a felony offense;
- 22 (B) a misdemeanor offense when charged with both
23 a misdemeanor offense and a felony offense; or
- 24 (C) a misdemeanor offense ~~[before the court]~~.

1 SECTION 2. Section 54.908(a), Government Code, is amended
2 to read as follows:

3 (a) Except as limited by an order of referral, a magistrate
4 to whom a case is referred may:

- 5 (1) conduct hearings;
- 6 (2) hear evidence;
- 7 (3) compel production of relevant evidence;
- 8 (4) rule on admissibility of evidence;
- 9 (5) issue summons for the appearance of witnesses;
- 10 (6) examine witnesses;
- 11 (7) swear witnesses for hearings;
- 12 (8) make findings of fact on evidence;
- 13 (9) formulate conclusions of law;
- 14 (10) rule on a pretrial motion;
- 15 (11) recommend the rulings, orders, or judgment to be

16 made in a case;

17 (12) regulate proceedings in a hearing;

18 (13) accept a plea of guilty or nolo contendere [~~for a~~
19 ~~misdemeanor~~] from a defendant charged with:

20 (A) a felony offense;

21 (B) a [~~both~~] misdemeanor offense when charged
22 with both a misdemeanor offense and a felony offense [~~offenses~~]; or

23 (C) a misdemeanor offense;

24 (14) notwithstanding Article 18.01(c), Code of
25 Criminal Procedure, issue a search warrant under Article 18.02(10),
26 Code of Criminal Procedure; and

27 (15) do any act and take any measure necessary and

1 proper for the efficient performance of the duties required by the
2 order of referral.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.