

By: Castro

H.B. No. 994

A BILL TO BE ENTITLED

AN ACT

relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

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

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

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

- (1) a bond forfeiture;
- (2) a pretrial motion;
- (3) a postconviction writ of habeas corpus;
- (4) an examining trial;
- (5) the issuance of search warrants, including a search warrant under Article 18.02(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure;
- (6) the setting of bonds;
- (7) the arraignment of defendants; and
- (8) any other matter the judge considers necessary and

proper, including a ~~negotiated~~ plea of guilty or nolo contendere from a defendant charged with:

- (A) a felony offense;
- (B) a misdemeanor when charged with both a misdemeanor and a felony offense; or
- (C) a Class C misdemeanor offense ~~[before the~~

1 court].

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

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

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

18 (12) regulate proceedings in a hearing;

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

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

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

1 (15) do any act and take any measure necessary and
2 proper for the efficient performance of the duties required by the
3 order of referral.

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