

1-1 By: Castro (Senate Sponsor - Zaffirini) H.B. No. 994
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 20, 2011, read first time and referred to Committee on
1-4 Criminal Justice; April 26, 2011, rereferred to Committee on
1-5 Jurisprudence; May 5, 2011, reported favorably by the following
1-6 vote: Yeas 6, Nays 1; May 5, 2011, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to proceedings that may be referred to and the powers of a
1-10 criminal law magistrate in Bexar County.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 54.906(a), Government Code, is amended
1-13 to read as follows:

1-14 (a) A judge may refer to a magistrate any criminal case for
1-15 proceedings involving:

- 1-16 (1) a bond forfeiture;
1-17 (2) a pretrial motion;
1-18 (3) a postconviction writ of habeas corpus;
1-19 (4) an examining trial;
1-20 (5) the issuance of search warrants, including a
1-21 search warrant under Article 18.02(10), Code of Criminal Procedure,
1-22 notwithstanding Article 18.01(c), Code of Criminal Procedure;
1-23 (6) the setting of bonds;
1-24 (7) the arraignment of defendants; and
1-25 (8) any other matter the judge considers necessary and
1-26 proper, including a ~~negotiated~~ plea of guilty or nolo contendere
1-27 from a defendant charged with:

- 1-28 (A) a felony offense;
1-29 (B) a misdemeanor offense when charged with both
1-30 a misdemeanor offense and a felony offense; or
1-31 (C) a misdemeanor offense ~~[before the court]~~.

1-32 SECTION 2. Section 54.908(a), Government Code, is amended
1-33 to read as follows:

1-34 (a) Except as limited by an order of referral, a magistrate
1-35 to whom a case is referred may:

- 1-36 (1) conduct hearings;
1-37 (2) hear evidence;
1-38 (3) compel production of relevant evidence;
1-39 (4) rule on admissibility of evidence;
1-40 (5) issue summons for the appearance of witnesses;
1-41 (6) examine witnesses;
1-42 (7) swear witnesses for hearings;
1-43 (8) make findings of fact on evidence;
1-44 (9) formulate conclusions of law;
1-45 (10) rule on a pretrial motion;
1-46 (11) recommend the rulings, orders, or judgment to be
1-47 made in a case;
1-48 (12) regulate proceedings in a hearing;
1-49 (13) accept a plea of guilty or nolo contendere ~~[for a~~
1-50 ~~misdemeanor]~~ from a defendant charged with:

- 1-51 (A) a felony offense;
1-52 (B) a ~~[both]~~ misdemeanor offense when charged
1-53 with both a misdemeanor offense and a felony offense ~~[offenses]~~; or
1-54 (C) a misdemeanor offense;

1-55 (14) notwithstanding Article 18.01(c), Code of
1-56 Criminal Procedure, issue a search warrant under Article 18.02(10),
1-57 Code of Criminal Procedure; and

1-58 (15) do any act and take any measure necessary and
1-59 proper for the efficient performance of the duties required by the
1-60 order of referral.

1-61 SECTION 3. This Act takes effect immediately if it receives
1-62 a vote of two-thirds of all the members elected to each house, as
1-63 provided by Section 39, Article III, Texas Constitution. If this
1-64 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2011.

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