

By: Farias

H.B. No. 3728

A BILL TO BE ENTITLED

AN ACT

relating to the administration of veterans court program proceedings before a magistrate.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter LL to read as follows:

SUBCHAPTER LL. MAGISTRATES FOR VETERANS COURT PROGRAMS

Sec. 54.2051. DEFINITION. In this subchapter, "veterans court program" has the meaning assigned by Section 124.001.

Sec. 54.2052. APPLICABILITY OF SUBCHAPTER. This subchapter applies to each district court and statutory county court with criminal jurisdiction in this state. If a provision of this subchapter conflicts with a specific provision for a particular district court or statutory county court, the specific provision controls.

Sec. 54.2053. APPOINTMENT. (a) The judges of the district courts of a county hearing criminal cases and the judges of the statutory county courts with criminal jurisdiction in a county, with the consent and approval of the commissioners court of the county, may appoint the number of magistrates set by the commissioners court to perform the duties associated with the administration of veterans court programs as authorized by this subchapter.

(b) Each magistrate's appointment must be made with the

1 approval of the majority of the district court or statutory county  
2 court judges described in Subsection (a), as applicable.

3 (c) A magistrate appointed under this section serves at the  
4 will of a majority of the appointing judges.

5 Sec. 54.2054. QUALIFICATIONS. A magistrate must:

6 (1) be a resident of this state and of the county in  
7 which the magistrate is appointed to serve under this subchapter;  
8 and

9 (2) have been licensed to practice law in this state  
10 for at least four years.

11 Sec. 54.2055. COMPENSATION. A magistrate is entitled to  
12 the salary determined by the county commissioners court.

13 Sec. 54.2056. JUDICIAL IMMUNITY. A magistrate has the same  
14 judicial immunity as a judge of a district court or statutory county  
15 court appointing the magistrate.

16 Sec. 54.2057. PROCEEDINGS THAT MAY BE REFERRED. (a) A  
17 district judge or judge of a statutory county court with criminal  
18 jurisdiction may refer to a magistrate a criminal case for veterans  
19 court program proceedings.

20 (b) A magistrate may not preside over a contested trial on  
21 the merits, regardless of whether the trial is before a jury.

22 Sec. 54.2058. ORDER OF REFERRAL. (a) To refer one or more  
23 cases to a veterans court program magistrate, a district judge or  
24 judge of a statutory county court with criminal jurisdiction must  
25 issue an order of referral specifying the magistrate's duties.

26 (b) An order of referral may:

27 (1) limit the powers of the magistrate and direct the

1 magistrate to report on specific issues and perform particular  
2 acts;

3 (2) set the time and place for the hearing;

4 (3) provide a date for filing the magistrate's  
5 findings;

6 (4) designate proceedings for more than one case over  
7 which the magistrate shall preside;

8 (5) impose graduated sanctions on a defendant,  
9 including confinement in a county jail and placement in a  
10 residential facility; and

11 (6) set forth general powers and limitations of  
12 authority of the magistrate applicable to any case referred.

13 Sec. 54.2059. POWERS. Except as limited by an order of  
14 referral, a magistrate to whom a veterans court program case is  
15 referred may perform any act and take any measure necessary and  
16 proper for the efficient performance of the duties assigned by the  
17 district or statutory county court judge.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2015.