

By: Taylor of Galveston

S.B. No. 867

A BILL TO BE ENTITLED

AN ACT

relating to the creation of criminal law magistrates for Galveston County.

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. GALVESTON COUNTY CRIMINAL MAGISTRATES

Sec. 54.2051. APPOINTMENT. (a) The Commissioners Court of Galveston County may select magistrates to serve the courts of Galveston County having jurisdiction in criminal matters.

(b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each magistrate position and shall determine whether the position is full-time or part-time. The qualifications must require the magistrate to have served as a justice of the peace or be an attorney licensed in this state.

(c) A magistrate appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.2052. JURISDICTION. A magistrate has concurrent criminal jurisdiction with the judges of the justice of the peace courts of Galveston County.

Sec. 54.2053. POWERS AND DUTIES. (a) The Commissioners Court of Galveston County shall establish the powers and duties of a magistrate appointed under this subchapter. Except as otherwise

1 provided by the commissioners court, a magistrate has the powers of
2 a magistrate under the Code of Criminal Procedure and other laws of
3 this state and may administer an oath for any purpose.

4 (b) A magistrate shall give preference to performing the
5 duties of a magistrate under Article 15.17, Code of Criminal
6 Procedure.

7 (c) The commissioners court may designate one or more
8 magistrates to hold regular hearings to:

9 (1) give admonishments;

10 (2) set and review bail and conditions of release;

11 (3) appoint legal counsel; and

12 (4) determine other routine matters relating to
13 preindictment or pending cases within those courts' jurisdiction.

14 (d) In the hearings provided under Subsection (c), a
15 magistrate shall give preference to the case of an individual held
16 in county jail.

17 (e) A magistrate may inquire into a defendant's intended
18 plea to the charge and set the case for an appropriate hearing
19 before a judge or master.

20 Sec. 54.2054. JUDICIAL IMMUNITY. A magistrate has the same
21 judicial immunity as a district judge.

22 Sec. 54.2055. WITNESSES. (a) A witness who is sworn and
23 who appears before a magistrate is subject to the penalties for
24 perjury and aggravated perjury provided by law.

25 (b) A referring court may fine or imprison a witness or
26 other court participant for failure to appear after being summoned,
27 refusal to answer questions, or other acts of direct contempt

1 before a magistrate.

2 SECTION 2. Article 2.09, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
5 officers is a magistrate within the meaning of this Code: The
6 justices of the Supreme Court, the judges of the Court of Criminal
7 Appeals, the justices of the Courts of Appeals, the judges of the
8 District Court, the magistrates appointed by the judges of the
9 district courts of Bexar County, Dallas County, or Tarrant County
10 that give preference to criminal cases, the criminal law hearing
11 officers for Harris County appointed under Subchapter L, Chapter
12 54, Government Code, the criminal law hearing officers for Cameron
13 County appointed under Subchapter BB, Chapter 54, Government Code,
14 the magistrates or associate judges appointed by the judges of the
15 district courts of Lubbock County, Nolan County, or Webb County,
16 the magistrates appointed by the judges of the criminal district
17 courts of Dallas County or Tarrant County, the associate judges
18 appointed by the judges of the district courts and the county courts
19 at law that give preference to criminal cases in Jefferson County,
20 the associate judges appointed by the judges of the district courts
21 and the statutory county courts of Brazos County, Nueces County, or
22 Williamson County, the magistrates appointed by the judges of the
23 district courts and statutory county courts that give preference to
24 criminal cases in Travis County, the criminal magistrates appointed
25 by the Brazoria County Commissioners Court, the criminal
26 magistrates appointed by the Burnet County Commissioners Court, the
27 criminal magistrates appointed by the Galveston County

1 Commissioners Court, the county judges, the judges of the county
2 courts at law, judges of the county criminal courts, the judges of
3 statutory probate courts, the associate judges appointed by the
4 judges of the statutory probate courts under Chapter 54A,
5 Government Code, the associate judges appointed by the judge of a
6 district court under Chapter 54A, Government Code, the magistrates
7 appointed under Subchapter JJ, Chapter 54, Government Code, as
8 added by H.B. No. 2132, Acts of the 82nd Legislature, Regular
9 Session, 2011, the justices of the peace, and the mayors and
10 recorders and the judges of the municipal courts of incorporated
11 cities or towns.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2015.