

1-1 By: Capriglione (Senate Sponsor - Burton) H.B. No. 1904  
 1-2 (In the Senate - Received from the House May 5, 2017;  
 1-3 May 16, 2017, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2017, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7  |     |     |        |     |
| 1-8  | X   |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 | X   |     |        |     |
| 1-15 | X   |     |        |     |
| 1-16 | X   |     |        |     |

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the powers and compensation of criminal law magistrates  
 1-20 in Tarrant County.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 54.653, Government Code, is amended to  
 1-23 read as follows:

1-24 Sec. 54.653. COMPENSATION. (a) A full-time magistrate is  
 1-25 entitled to the salary determined by the Commissioners Court of  
 1-26 Tarrant County.

1-27 (b) The salary of a full-time magistrate may not exceed 90  
 1-28 percent of the sum of:

1-29 (1) ~~[be less than]~~ the salary ~~[authorized to be]~~ paid  
 1-30 to a district judge by the state under Section 659.012; and

1-31 (2) the maximum amount of county contributions and  
 1-32 supplements allowed by law to be paid to a district judge under  
 1-33 Section 659.012 [master for family law cases appointed under  
 1-34 Subchapter A].

1-35 (c) The salary of a part-time magistrate is equal to the  
 1-36 per-hour salary of a full-time magistrate. The per-hour salary is  
 1-37 determined by dividing the annual salary by a 2,080 work-hour year.  
 1-38 The judges of the courts trying criminal cases in Tarrant County  
 1-39 shall approve the number of hours for which a part-time magistrate  
 1-40 is to be paid.

1-41 (d) A [The] magistrate's salary is paid from the county fund  
 1-42 available for payment of officers' salaries.

1-43 SECTION 2. Section 54.656(a), Government Code, is amended  
 1-44 to read as follows:

1-45 (a) A judge may refer to a magistrate any criminal case or  
 1-46 matter relating to a criminal case for proceedings involving:

1-47 (1) a negotiated plea of guilty or no contest and  
 1-48 sentencing before the court;

1-49 (2) a bond forfeiture, remittitur, and related  
 1-50 proceedings;

1-51 (3) a pretrial motion;

1-52 (4) a ~~[postconviction]~~ writ of habeas corpus;

1-53 (5) an examining trial;

1-54 (6) an occupational driver's license;

1-55 (7) a petition for an ~~[agreed]~~ order of expunction  
 1-56 under Chapter 55, Code of Criminal Procedure;

1-57 (8) an asset forfeiture hearing as provided by Chapter  
 1-58 59, Code of Criminal Procedure;

1-59 (9) a petition for an ~~[agreed]~~ order of nondisclosure  
 1-60 of criminal history record information or an order of nondisclosure  
 1-61 of criminal history record information that does not require a

2-1 petition provided by Subchapter E-1, Chapter 411;  
 2-2 (10) a ~~[hearing on a]~~ motion to modify or revoke  
 2-3 community supervision or to proceed with an adjudication of guilt  
 2-4 [probation]; [and]  
 2-5 (11) setting conditions, modifying, revoking, and  
 2-6 surrendering of bonds, including surety bonds;  
 2-7 (12) specialty court proceedings;  
 2-8 (13) a waiver of extradition; and  
 2-9 (14) any other matter the judge considers necessary  
 2-10 and proper.

2-11 SECTION 3. Section 54.658, Government Code, is amended to  
 2-12 read as follows:

2-13 Sec. 54.658. POWERS. (a) Except as limited by an order of  
 2-14 referral, a magistrate to whom a case is referred may:

- 2-15 (1) conduct hearings;
- 2-16 (2) hear evidence;
- 2-17 (3) compel production of relevant evidence;
- 2-18 (4) rule on admissibility of evidence;
- 2-19 (5) issue summons for the appearance of witnesses;
- 2-20 (6) examine witnesses;
- 2-21 (7) swear witnesses for hearings;
- 2-22 (8) make findings of fact on evidence;
- 2-23 (9) formulate conclusions of law;
- 2-24 (10) rule on a pretrial motion;
- 2-25 (11) recommend the rulings, orders, or judgment to be  
 2-26 made in a case;
- 2-27 (12) regulate proceedings in a hearing;
- 2-28 (13) accept a plea of guilty from a defendant charged  
 2-29 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 2-30 (14) select a jury;
- 2-31 (15) accept a negotiated plea on a probation  
 2-32 revocation;
- 2-33 (16) conduct a contested probation revocation  
 2-34 hearing;
- 2-35 (17) sign a dismissal in a misdemeanor case; ~~[and]~~
- 2-36 (18) in any case referred under Section 54.656(a)(1),  
 2-37 accept a negotiated plea of guilty or no contest and:  
 2-38 (A) enter a finding of guilt and impose or  
 2-39 suspend the sentence; or  
 2-40 (B) defer adjudication of guilt; and  
 2-41 (19) do any act and take any measure necessary and  
 2-42 proper for the efficient performance of the duties required by the  
 2-43 order of referral.

2-44 (b) A magistrate may sign a motion to dismiss submitted by  
 2-45 an attorney representing the state on cases referred to the  
 2-46 magistrate, or on dockets called by the magistrate, and may  
 2-47 consider unadjudicated cases at sentencing under Section 12.45,  
 2-48 Penal Code.

2-49 (c) A magistrate has all of the powers of a magistrate under  
 2-50 the laws of this state and may administer an oath for any purpose.

2-51 (d) A magistrate does not have authority under Article  
 2-52 18.01(c), Code of Criminal Procedure, to issue a subsequent search  
 2-53 warrant under Article 18.02(10), Code of Criminal Procedure.

2-54 SECTION 4. The changes in law made by Sections 2 and 3 of  
 2-55 this Act apply to a matter or case referred to a magistrate on or  
 2-56 after the effective date of this Act. A matter or case referred to a  
 2-57 magistrate before the effective date of this Act is governed by the  
 2-58 law in effect immediately before that date, and that law is  
 2-59 continued in effect for that purpose.

2-60 SECTION 5. This Act takes effect September 1, 2017.

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