

1-1 By: Burton, Birdwell, Nelson S.B. No. 823
 1-2 (In the Senate - Filed February 10, 2017; February 27, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 29, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; March 29, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 823 By: Creighton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the powers and compensation of criminal law magistrates
 1-22 in Tarrant County.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 54.653, Government Code, is amended to
 1-25 read as follows:

1-26 Sec. 54.653. COMPENSATION. (a) A full-time magistrate is
 1-27 entitled to the salary determined by the Commissioners Court of
 1-28 Tarrant County.

1-29 (b) The salary of a full-time magistrate may not exceed 90
 1-30 percent of the sum of:

1-31 (1) ~~[be less than]~~ the salary ~~[authorized to be]~~ paid
 1-32 to a district judge by the state under Section 659.012; and

1-33 (2) the maximum amount of county contributions and
 1-34 supplements allowed by law to be paid to a district judge under
 1-35 Section 659.012 [master for family law cases appointed under
 1-36 Subchapter A].

1-37 (c) The salary of a part-time magistrate is equal to the
 1-38 per-hour salary of a full-time magistrate. The per-hour salary is
 1-39 determined by dividing the annual salary by a 2,080 work-hour year.
 1-40 The judges of the courts trying criminal cases in Tarrant County
 1-41 shall approve the number of hours for which a part-time magistrate
 1-42 is to be paid.

1-43 (d) A [The] magistrate's salary is paid from the county fund
 1-44 available for payment of officers' salaries.

1-45 SECTION 2. Section 54.656(a), Government Code, is amended
 1-46 to read as follows:

1-47 (a) A judge may refer to a magistrate any criminal case or
 1-48 matter relating to a criminal case for proceedings involving:

1-49 (1) a negotiated plea of guilty or no contest and
 1-50 sentencing before the court;

1-51 (2) a bond forfeiture, remittitur, and related
 1-52 proceedings;

1-53 (3) a pretrial motion;

1-54 (4) a [postconviction] writ of habeas corpus;

1-55 (5) an examining trial;

1-56 (6) an occupational driver's license;

1-57 (7) a petition for an [agreed] order of expunction
 1-58 under Chapter 55, Code of Criminal Procedure;

1-59 (8) an asset forfeiture hearing as provided by Chapter
 1-60 59, Code of Criminal Procedure;

- 2-1 (9) a petition for an ~~agreed~~ order of nondisclosure
- 2-2 of criminal history record information or an order of nondisclosure
- 2-3 of criminal history record information that does not require a
- 2-4 petition provided by Subchapter E-1, Chapter 411;
- 2-5 (10) a ~~hearing on a~~ motion to modify or revoke
- 2-6 community supervision or to proceed with an adjudication of guilt
- 2-7 [probation]; ~~and~~
- 2-8 (11) setting conditions, modifying, revoking, and
- 2-9 surrendering of bonds, including surety bonds;
- 2-10 (12) specialty court proceedings;
- 2-11 (13) a waiver of extradition; and
- 2-12 (14) any other matter the judge considers necessary
- 2-13 and proper.

2-14 SECTION 3. Section 54.658, Government Code, is amended to
2-15 read as follows:

2-16 Sec. 54.658. POWERS. (a) Except as limited by an order of
2-17 referral, a magistrate to whom a case is referred may:

- 2-18 (1) conduct hearings;
- 2-19 (2) hear evidence;
- 2-20 (3) compel production of relevant evidence;
- 2-21 (4) rule on admissibility of evidence;
- 2-22 (5) issue summons for the appearance of witnesses;
- 2-23 (6) examine witnesses;
- 2-24 (7) swear witnesses for hearings;
- 2-25 (8) make findings of fact on evidence;
- 2-26 (9) formulate conclusions of law;
- 2-27 (10) rule on a pretrial motion;
- 2-28 (11) recommend the rulings, orders, or judgment to be
- 2-29 made in a case;
- 2-30 (12) regulate proceedings in a hearing;
- 2-31 (13) accept a plea of guilty from a defendant charged
- 2-32 with misdemeanor, felony, or both misdemeanor and felony offenses;
- 2-33 (14) select a jury;
- 2-34 (15) accept a negotiated plea on a probation
- 2-35 revocation;
- 2-36 (16) conduct a contested probation revocation
- 2-37 hearing;
- 2-38 (17) sign a dismissal in a misdemeanor case; ~~and~~
- 2-39 (18) in any case referred under Section 54.656(a)(1),
- 2-40 accept a negotiated plea of guilty or no contest and:

2-41 (A) enter a finding of guilt and impose or

2-42 suspend the sentence; or

2-43 (B) defer adjudication of guilt; and

2-44 (19) do any act and take any measure necessary and

2-45 proper for the efficient performance of the duties required by the

2-46 order of referral.

2-47 (b) A magistrate may sign a motion to dismiss submitted by

2-48 an attorney representing the state on cases referred to the

2-49 magistrate, or on dockets called by the magistrate, and may

2-50 consider unadjudicated cases at sentencing under Section 12.45,

2-51 Penal Code.

2-52 (c) A magistrate has all of the powers of a magistrate under

2-53 the laws of this state and may administer an oath for any purpose.

2-54 (d) A magistrate does not have authority under Article

2-55 18.01(c), Code of Criminal Procedure, to issue a subsequent search

2-56 warrant under Article 18.02(a)(10), Code of Criminal Procedure.

2-57 SECTION 4. The changes in law made by Sections 2 and 3 of

2-58 this Act apply to a matter or case referred to a magistrate on or

2-59 after the effective date of this Act. A matter or case referred to a

2-60 magistrate before the effective date of this Act is governed by the

2-61 law in effect immediately before that date, and that law is

2-62 continued in effect for that purpose.

2-63 SECTION 5. This Act takes effect September 1, 2017.

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