

Amend CSSB 1530 (senate committee printing) as follows:

(1) In ARTICLE 1 of the bill, in SECTION 1.03, adding Section 24.60026, Government Code (page 1, lines 49 through 50), strike "the effective date of this Act" and substitute "January 1, 2022".

(2) In ARTICLE 1 of the bill, in SECTION 1.07, adding Section 24.60098, Government Code (page 2, line 11), strike "Effective January 1, 2023,".

(3) In ARTICLE 1 of the bill, strike SECTION 1.09, amending Section 24.910(b), Government Code, and adding Section 24.915, Government Code (page 2, lines 33-46).

(4) Add the following appropriately numbered SECTIONS to ARTICLE 1 of the bill and renumber SECTIONS of the ARTICLE accordingly:

SECTION 1.\_\_\_\_. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Sections 24.60024 and 24.60099 to read as follows:

Sec. 24.60024. 477TH JUDICIAL DISTRICT (HIDALGO COUNTY).  
The 477th Judicial District is composed of Hidalgo County.

Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).  
The 476th Judicial District is composed of Hidalgo County.

(b) The 476th Judicial District is created on September 1, 2022.

(c) The 477th Judicial District is created on September 1, 2023.

SECTION 1.\_\_\_\_. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60030 to read as follows:

Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY).  
(a) The 485th Judicial District is composed of Tarrant County.

(b) The 485th District Court shall give preference to criminal matters.

(b) The 485th Judicial District is created on January 1, 2022.

(5) In ARTICLE 2 of the bill, in SECTION 2.02, amending Sections 25.0631(b) and (c), Section 25.0632(i), and Section 25.0633(e), Government Code (page 3, line 61), strike "the effective date of this Act" and substitute "January 1, 2022".

(6) In ARTICLE 2 of the bill, in the recital to SECTION 2.07, amending Section 25.2223(1), Government Code, (page 6, line 15), between "2.07." and "Section", insert "Effective January 1, 2023,".

(7) In ARTICLE 2 of the bill, in SECTION 2.08, amending Section 25.2481, Government Code (page 6, line 34), strike "the effective date of this Act" and substitute "October 1, 2022".

(8) In ARTICLE 3 of the bill, in SECTION 3.01, adding Article 45.0241, Code of Criminal Procedure (page 6, lines 39 through 40), between "nolo contendere" and "unless", insert "from a defendant in open court".

(9) In SECTION 5.01 of the bill, amending Article 4.01(12), Code of Criminal Procedure (page 7, line 69), immediately following the underlined semicolon, strike "and".

(10) In SECTION 5.01 of the bill, adding Article 4.01(13), Code of Criminal Procedure (page 8, line 3), between "County" and the period, insert the following:

; and

14. The magistrates appointed by the judges of the district courts of Tom Green County

(11) Add the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 5.\_\_\_\_. Chapter 54, Government Code, is amended by adding Subchapter QQ to read as follows:

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

Sec. 54.2601. APPOINTMENT. (a) The judges of the district courts of Tom Green County, with the consent and approval of the commissioners court of Tom Green County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of district judges, each magistrate shall serve equally in the courts of those judges.

Sec. 54.2602. QUALIFICATIONS. To be eligible for

appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state

for at least four years.

Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the commissioners court of Tom Green County. The salary may not be less than an amount equal to the salary, supplements, and allowances paid to a justice of the peace of Tom Green County as set by the annual budget of Tom Green County.

(b) A magistrate's salary is paid from the county fund available for payment of officer's salaries.

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

Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

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

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

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

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the judge considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) A magistrate may select a jury. A magistrate may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A magistrate may not hear a jury trial on the merits of a bond forfeiture.

(f) A judge of a designated juvenile court may refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular

acts, or only receive and report on evidence;

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

(3) prescribe a closing date for the hearing;

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

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

(6) direct the magistrate to call the court's docket;

and

(7) provide the general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2608. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(14) select a jury;

(15) accept a negotiated plea on probation revocation;

(16) conduct a contested probation revocation hearing;

(17) sign a dismissal in a misdemeanor case;

(18) in any case referred under Section 54.656(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilty and impose or suspend the sentence; or

(B) defer adjudication of guilty; and

(19) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider adjudicated cases at sentencing under Section 12.45, Penal Code.

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

Sec. 54.2609. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2610. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed

under this subchapter is absent or unable to serve, the judge referring the case may appoint another magistrate to serve for the absent magistrate.

(b) A magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom the magistrate is serving.

Sec. 54.2614. CLERK. The clerk of a district court that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

(12) In ARTICLE 7 of the bill, in SECTION 7.01, amending Section 155.207(a), Family Code, strike Subdivisions (1)-(3) (page 10, lines 42 through 51) and substitute the following:

(1) a transfer certificate and index of transferred documents [~~the pleadings in the pending proceeding and any other document specifically requested by a party~~];

(2) [~~certified copies of all entries in the minutes,~~

[~~3~~] a [~~certified~~] copy of each final order;

(3) [~~and~~

[~~4~~] a [~~certified~~] copy of the order of transfer signed by the transferring court;

(4) a copy of the original papers filed in the transferring court;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any costs that have accrued in the transferring court.

(13) In ARTICLE 7 of the bill, in SECTION 7.02, amending Section 51.3071(a), Government Code, strike Subdivisions (1)-(3) (page 11, lines 35 through 44) and substitute the following:

(1) a transfer certificate and index of transferred documents [~~certified transcript of the proceedings held in the district court~~];

(2) a copy of the original papers filed in the transferring [~~district~~] court; [~~and~~]

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any [~~the~~] costs that have accrued in the transferring [~~district~~] court.

(14) In ARTICLE 7 of the bill, in SECTION 7.03, amending Section 51.403(a), Government Code, strike Subdivisions (1)-(3) (page 11, line 66, through page 12, line 6) and substitute the following:

(1) a transfer certificate and index of transferred documents [~~certified transcript of the proceedings held in the county court~~];

(2) a copy of the original papers filed in the transferring [~~county~~] court; [~~and~~]

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any [~~the~~] costs that have accrued in the transferring [~~county~~] court.

(15) In ARTICLE 7 of the bill, in SECTION 7.04, strike added Section 72.037, Government Code (page 12, lines 29 through 51) and substitute the following:

Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED DOCUMENTS FORM. (a) The office shall develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of cases and proceedings under Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.

(b) In developing a form under this section, the office shall consult with representatives of county and district clerks.

(16) In ARTICLE 9 of the bill, in SECTION 9.02, amending Section 51.103(b)(2), Estates Code (page 13, line 27), strike "statement [~~affidavit~~]" and substitute "affidavit".

(17) In ARTICLE 9 of the bill, in SECTION 9.02, amending Section 51.103(b)(3)(A), Estates Code (page 13, line 30), strike



"statement [~~affidavit~~]" and substitute "affidavit".

(18) In ARTICLE 9 of the bill, in SECTION 9.02, amending Section 51.103(b)(4)(B), Estates Code, (page 13, line 47), strike "a statement [~~an affidavit~~]" and substitute "an affidavit".

(19) In ARTICLE 9 of the bill, in SECTION 9.03, amending Section 1051.153(b)(3)(A), Estates Code (page 13, line 65), strike "statement [~~affidavit~~]" and substitute "affidavit".

(20) In ARTICLE 9 of the bill, in SECTION 9.03, amending Section 1051.153(b)(4)(B), Estates Code (page 14, line 13), strike "a statement [~~an affidavit~~]" and substitute "an affidavit".