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By:  Price, Leach, Ashby, Martinez, Moody H.B. No. 976

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a judge or magistrate to preside over a regional specialty court program and the authority of that judge or magistrate in cases referred to the program.

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

SECTION 1.  Chapter 121, Government Code, is amended by adding Sections 121.003 and 121.004 to read as follows:

Sec. 121.003.  APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a district court or statutory county court who is authorized by law to hear criminal cases may be appointed to preside over a regional specialty court program recognized under this subtitle only if:

(1)  the local administrative district and statutory county court judges of each county participating in the program approve the appointment by majority vote or another approval method selected by the judges; and

(2)  the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

Sec. 121.004.  JURISDICTION AND AUTHORITY OF JUDGE OR MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or magistrate appointed to preside over a regional specialty court program may hear any misdemeanor or felony case properly transferred to the program by an originating trial court participating in the program, regardless of whether the originating trial court and specialty court program are in the same county. The appointed judge or magistrate may exercise only the authority granted under this subtitle.

(b)  The judge or magistrate of a regional specialty court program may for a case properly transferred to the program:

(1)  enter orders, judgments, and decrees for the case;

(2)  sign orders of detention, order community service, or impose other reasonable and necessary sanctions;

(3)  send recommendations for dismissal and expunction to the originating trial court for a defendant who successfully completes the program; and

(4)  return the case and documentation required by this subtitle to the originating trial court for final disposition on a defendant's successful completion of or removal from the program.

(c)  A visiting judge assigned to preside over a regional specialty court program has the same authority as the judge or magistrate appointed to preside over the program.

SECTION 2.  (a)  Section 121.003, Government Code, as added by this Act, applies only to the appointment of a judge or magistrate to preside over a regional specialty court program that occurs on or after the effective date of this Act.

(b)  Section 121.004, Government Code, as added by this Act, applies to a case pending in a regional specialty court program on or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2021.