

By: Price, Leach, Ashby, Martinez, Moody

H.B. No. 976

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment of a judge or magistrate to preside over  
3 a regional specialty court program and the authority of that judge  
4 or magistrate in cases referred to the program.

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

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

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

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

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

20 Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR  
21 MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or  
22 magistrate appointed to preside over a regional specialty court  
23 program may hear any misdemeanor or felony case properly  
24 transferred to the program by an originating trial court

1 participating in the program, regardless of whether the originating  
2 trial court and specialty court program are in the same county. The  
3 appointed judge or magistrate may exercise only the authority  
4 granted under this subtitle.

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

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

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

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

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

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

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

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

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