

BILL ANALYSIS

C.S.H.B. 3388
By: Cook
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Tarrant County district clerk serves as the clerk of the magistrates in the county through a judicial order. Stakeholders contend that the current statute itself is unclear regarding who is responsible for records related to cases referred to a magistrate in Tarrant County. Other counties have statutes clarifying the official responsible for records of cases referred to a magistrate and the duties of that official. C.S.H.B. 3388 establishes the role of the Tarrant County district clerk as the clerk of the cases referred to a magistrate, except for certain cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3388 amends the Government Code to establish that the district clerk serves as clerk of the cases referred to a criminal law magistrate in Tarrant County except that the county clerk serves as clerk for a Class A or Class B misdemeanor case filed in a county criminal court and referred to a magistrate and the originating justice court clerk serves as clerk for a Class C misdemeanor case filed in a justice court and referred to a magistrate.

C.S.H.B. 3388 requires the district clerk to establish a docket and keep the minutes for the cases referred to a criminal law magistrate in Tarrant County. The bill authorizes the district clerk and deputy district clerks to serve as deputy county clerks and deputy justice clerks at the discretion of the district clerk for purpose of facilitating the duties associated with serving as the clerk for the cases referred to such a magistrate.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3388 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits the requirement from the introduced for the local administrative judge to ensure the district clerk's duties of establishing a docket and keeping the minutes for the cases referred to a magistrate are performed.