

## **BILL ANALYSIS**

S.B. 251  
By: Flores  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill sponsor has informed the committee that courts across the state have been overwhelmed with cases, and the slower response to the cases creates injustice in the criminal justice system. Enshrined in the constitution is the right to a fair and speedy trial, and the courts in Bell County need help in fulfilling this constitutional promise. S.B. 251 aims to establish criminal law magistrates in Bell County to assist in handling the county's criminal caseload more efficiently.

### **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**

S.B. 251 amends the Government Code to provide for the creation of criminal law magistrates for Bell County by authorizing the Bell County Commissioners Court to select magistrates to serve the courts of Bell County having jurisdiction in criminal matters. The bill requires the commissioners court to establish the minimum qualifications, salary, benefits, and other compensation of each magistrate position and determine whether the position is full-time or part-time. The qualifications must require the magistrate to have been licensed to practice law in Texas and in good standing with the State Bar of Texas for at least two years or have served as a justice of the peace or municipal court judge. The bill establishes that an appointed magistrate serves at the pleasure of the commissioners court and has concurrent criminal jurisdiction with the judges of the justice of the peace courts of Bell County.

S.B. 251 requires the commissioners court to establish the powers and duties of a criminal law magistrate appointed under the bill's provisions. Except as otherwise provided by the commissioners court, the magistrate has the powers of a magistrate under the Code of Criminal Procedure and state law and may administer an oath for any purpose. The bill requires the magistrate to give preference to performing the duties of a magistrate provided under state law during the initial appearance of a defendant after arrest. The bill authorizes the commissioners court to designate one or more magistrates to hold regular hearings to do the following:

- give admonishments;
- set and review bail and conditions of release;
- appoint legal counsel; and
- determine other routine matters relating to preindictment or pending cases within those courts' jurisdiction.

The bill requires a magistrate in those hearings to give preference to the case of an individual held in county jail. The bill authorizes a magistrate to inquire into a defendant's intended plea to the charge and set the case for an appropriate hearing before a judge or master.

S.B. 251 establishes that a magistrate has the same judicial immunity as a district judge and subjects a witness who is sworn and appears before the magistrate to the penalties for perjury and aggravated perjury provided by law. The bill authorizes a referring court to fine or imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.

S.B. 251 amends the Code of Criminal Procedure to make a conforming change.

S.B. 251, to the extent of any conflict, prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.