

**BILL ANALYSIS**

Senate Research Center  
89R3659 BCH-D

S.B. 251  
By: Flores  
Criminal Justice  
3/14/2025  
As Filed

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Courts across the state have been overwhelmed with cases, and the slower response to 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 is designed to address the increasing criminal caseload in Bell County by establishing criminal law magistrates. This aims to enhance the efficiency of the judicial process by providing additional judicial resources to handle routine and preliminary matters in criminal cases.

Bill Provisions:

Appointment of Magistrates: The Commissioners Court of Bell County is authorized to appoint magistrates to serve the courts with criminal jurisdiction.

Duties and Powers: Magistrates will have the powers of a magistrate under the Code of Criminal Procedure and other state laws, including administering oaths.

Responsibilities: Magistrates are tasked with performing duties such as giving admonishments, setting and reviewing bail, appointing legal counsel, and determining routine matters related to preindictment or pending cases.

Preference in Duties: Magistrates are required to give preference to cases involving individuals held in county jail.

Implementation: The bill will take effect immediately if it receives a two-thirds vote in both houses; otherwise, it will take effect on September 1, 2025.

As proposed, S.B. 251 amends current law relating to the creation of criminal law magistrates for Bell County.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 54, Government Code, by adding Subchapter EE, as follows:

SUBCHAPTER EE. BELL COUNTY CRIMINAL MAGISTRATES

Sec. 54.1601. APPOINTMENT. (a) Authorizes the Commissioners Court of Bell County to select magistrates to serve the courts of Bell County having jurisdiction in criminal matters.

(b) 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. Requires that the

qualifications require the magistrate to have served as a justice of the peace or municipal court judge or be an attorney licensed in this state.

(c) Provides that a magistrate appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.1602. JURISDICTION. Provides that a magistrate has concurrent criminal jurisdiction with the judges of the justice of the peace courts of Bell County.

Sec. 54.1603. POWERS AND DUTIES. (a) Requires the Commissioners Court of Bell County to establish the powers and duties of a magistrate appointed under this subchapter. Provides that, except as otherwise provided by the commissioners court, a magistrate has the powers of a magistrate under the Code of Criminal Procedure and other laws of this state and is authorized to administer an oath for any purpose.

(b) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

(c) Authorizes the commissioners court to designate one or more magistrates to hold regular hearings to 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.

(d) Requires a magistrate, in the hearings provided under Subsection (c), to give preference to the case of an individual held in county jail.

(e) 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.

Sec. 54.1604. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1605. WITNESSES. (a) Provides that a witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

(b) 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.

SECTION 2. Amends Article 2A.151, Code of Criminal Procedure, to conform to Section 4.001, Chapter 861 (H.B. 3474), Acts of the 88th Legislature, Regular Session, 2023, as follows:

Art. 2A.151. TYPES OF MAGISTRATES. Provides that certain officers are magistrates for purposes of this code, including a criminal magistrate appointed by the Bell County Commissioners Court and a magistrate appointed by certain courts in certain counties, including by a judge of a district court or statutory county court of Denton or Grayson County. Makes nonsubstantive changes to this article.

SECTION 3. Provides that, to the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: upon passage or September 1, 2025.