

## **BILL ANALYSIS**

Senate Research Center

S.B. 664  
By: Huffman  
Criminal Justice  
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Enrolled

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

#### **BACKGROUND:**

- Under Chapter 54, Government Code, 25 different counties have their own qualification standards, hiring and firing processes, jurisdictional powers, and other governing statutes for their local magistrates.
- A magistrate in Texas is a judicial officer who presides over criminal cases and some civil actions, but primarily sets bail for defendants in most counties.

#### **BILL SUMMARY:**

- S.B. 664 seeks to create uniformity by adding statewide qualifications for magistrates, including:
  - being a resident of the state and county in which he or she is appointed;
  - being licensed to practice law in the state and in good standing with the State Bar of Texas;
  - to have not been defeated for reelection to a judicial office; and
  - to have not been removed from office or resigned in lieu of removal from office.
- The bill reiterates that magistrates must remain up-to-date on the required training regarding bail.
- To ensure proper oversight and accountability, the bill clarifies Chapter 54 magistrates' eligibility for certain removal provisions and directs the local administrative judge to have oversight.
- Counties will still be able to have additional qualifications, oversight, duties, and other governing provisions as long as they are in compliance with statewide standards.

#### **COMMITTEE SUBSTITUTE:**

- The committee substitute clarifies that a magistrate's eligibility for appointment applies only if they were defeated in the most recent judicial election before their appointment.
- Additionally, the committee substitute introduces a requirement in Chapter 54A mandating that associate judges have at least five years of licensed legal practice.

S.B. 664 amends current law relating to qualifications, training, removal, and supervision of certain masters, magistrates, referees, associate judges, and hearing officers.

### **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 A, as follows:

#### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 54.001. QUALIFICATIONS. (a) Requires a person, in addition to any other qualification required by law, to be eligible for appointment as a master, magistrate, referee, associate judge, or hearing officer under Chapter 54 (Masters; Magistrates; Referees; Associate Judges), to:

(1) be a resident of this state and of the county in which they are appointed;

(2) except as provided by Subsection (b), have been licensed to practice law in this state and in good standing with the State Bar of Texas (state bar) for at least five years;

(3) not have been defeated for reelection to a judicial office in the election immediately preceding the person's appointment;

(4) not have been removed from office by impeachment, the Supreme Court of Texas, the governor on address to the legislature, a tribunal reviewing a recommendation of the State Commission on Judicial Conduct (SCJC), or the legislature's abolition of the judge's court; and

(5) not have resigned from office after having received notice SCJC had instituted formal proceedings as provided by Section 33.022 (Investigations and Formal Procedures) and before the final disposition of the proceedings.

(b) Requires a person, notwithstanding Subsection (a)(2), to be eligible for appointment as a master, magistrate, referee, associate judge, or hearing officer under certain provisions of this chapter, to have been licensed to practice law in this state and in good standing with the state bar for at least two years.

Sec. 54.002. REQUIRED TRAINING ON DUTIES REGARDING BAIL. Requires a master, magistrate, referee, associate judge, or hearing officer appointed under this chapter whose duties include setting, adjusting, or revoking bail bonds, in addition to any other training required under this chapter, to comply with the training requirements under Article 17.024 (Training on Duties Regarding Bail), Code of Criminal Procedure.

Sec. 54.003. SUSPENSION AND REMOVAL. (a) Authorizes a master, magistrate, referee, associate judge, or hearing officer appointed under this chapter, in addition to other removal provisions provided under this chapter or other law, to be removed under Section 24 (Removal of County Officers), Article V (Judicial Department), Texas Constitution.

(b) Requires the local administrative judge to ensure a master, magistrate, referee, associate judge, or hearing officer appointed to serve a county within the jurisdiction of the court served by the local administrative judge complies with the requirements of this chapter and Article 15.17 (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

(c) Requires a local administrative judge to report a violation of Subsection (b) to:

(1) the commissioners court for the county in which the master, magistrate, referee, associate judge, or hearing officer is appointed;

(2) the presiding judge of the administrative judicial region for the court served by the judge;

(3) the Office of Court Administration of the Texas Judicial System; and

(4) if the local administrative judge determines the referring court is culpable in the violation, SCJC.

SECTION 2. Amends Section 54.1173, Government Code, as follows:

Sec. 54.1173. QUALIFICATIONS. Deletes existing text requiring a magistrate of a constitutional county court in a county with a population of 2.5 million or more to be a citizen of this state and have been licensed to practice law in this state for at least four years preceding the date of appointment. Makes nonsubstantive changes.

SECTION 3. Amends Section 54.1353, Government Code, as follows:

Sec. 54.1353. QUALIFICATIONS. Deletes existing text requiring a person, to be eligible for appointment as a criminal law hearing officer under Subchapter BB (Criminal Hearing Officers in Cameron County), to be a resident of Cameron County and a licensed attorney with at least four years' experience. Makes nonsubstantive changes.

SECTION 4. Amends Section 54.1501(b), Government Code, to delete existing text requiring that the qualifications established by the commissioners court of Burnet County require the magistrate to have served as a justice of the peace or municipal court judge or be an attorney licensed in this state.

SECTION 5. Amends Section 54.1851(b), Government Code, to delete existing text requiring that the qualifications established by the commissioners court of Brazoria County require the magistrate to have served as a justice of the peace or be an attorney licensed in this state.

SECTION 6. Amends Section 54.1953, Government Code, as follows:

Sec. 54.1953. QUALIFICATIONS. Deletes existing text requiring a magistrate of a county meeting certain requirements to be a citizen of this state and to have served as a justice of the peace for at least four years before the date of appointment or been licensed to practice law in this state for at least four years before the date of appointment. Makes nonsubstantive changes.

SECTION 7. Amends Section 54.2202(a), Government Code, as follows:

(a) Deletes existing text requiring a person, to be eligible for appointment as a magistrate in Collin County, to have been licensed to practice law in this state for at least four years. Makes nonsubstantive changes.

SECTION 8. Amends Section 54.2402(a), Government Code, to delete existing text requiring a person, to be eligible for appointment as a magistrate in Fort Bend County, to have been licensed to practice law in this state for at least four years, and to make nonsubstantive changes.

SECTION 9. Amends the heading to Section 54.2702, Government Code, to read as follows:

Sec. 54.2702. OATH OF OFFICE.

SECTION 10. Amends Section 54.2802(a), Government Code, as follows:

(a) Deletes existing text requiring a judge appointed to preside over the criminal law magistrate court of Denton County to be a licensed attorney in good standing with the state bar. Makes nonsubstantive changes.

SECTION 11. Amends Section 54.2807, Government Code, as follows:

Sec. 54.2807. QUALIFICATIONS. Deletes existing text requiring a person, to be eligible for appointment as the criminal law magistrate court associate judge of Denton County, a jail magistrate, or another magistrate in the criminal law magistrate court, to have been licensed to practice law in this state for at least four years. Makes nonsubstantive changes.

SECTION 12. Amends Section 54A.003, Government Code, as follows:

Sec. 54A.003. QUALIFICATIONS. Requires a person, to qualify for appointment as an associate judge under Subchapter A (Criminal Associate Judges), to meet certain criteria, including having been licensed to practice law in this state for at least five, rather than four, years.

SECTION 13. Amends Section 54A.103, Government Code, to make a conforming change.

SECTION 14. Amends 54A.305(a), Government Code, as follows:

(a) Requires a person, be eligible for appointment as an associate judge under Subchapter D (Associate Judge for Guardianship Proceedings and Protective Services Proceedings in Certain Courts), to meet certain criteria, including being licensed to practice law in this state for at least five years and having at least four years of experience in guardianship proceedings or protective services proceedings before the date of appointment as a practicing attorney in this state or a judge of a court in this state.

SECTION 15. Amends Section 74.092(a), Government Code, as follows:

(a) Requires a local administrative judge, for the courts for which the judge serves as local administrative judge, to perform certain actions, including supervising the performance of each master, magistrate, referee, associate judge, or hearing officer who was appointed under Chapter 54 to serve a court for which the judge serves as a local administrative judge and whose duties include duties under Article 15.17, Code of Criminal Procedure. Makes a nonsubstantive change.

SECTION 16. Repealers: Sections 54.302 (Qualifications) and 54.652 (Qualifications), Government Code.

Repealers: Sections 54.802 (Qualifications) and 54.853 (Qualifications), Government Code.

Repealers: Sections 54.872 (Qualifications) and 54.902 (Qualifications), Government Code.

Repealers: Sections 54.972 (Qualifications) and 54.992 (Qualifications), Government Code.

Repealers: Sections 54.1804 (Qualifications) and 54.2602 (Qualifications), Government Code.

Repealer: Section 54.2702 (a) (relating to requiring a person, to be eligible as a magistrate in Grayson County, to be a resident of this state and meet certain requirements), Government Code.

SECTION 17. Makes application of this Act prospective.

SECTION 18. Effective date: September 1, 2025.