

By: Buckley

H.B. No. 3716

A BILL TO BE ENTITLED

AN ACT

relating to the creation of criminal law magistrates for Bell County.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter EE to read as follows:

SUBCHAPTER EE. BELL COUNTY CRIMINAL MAGISTRATES

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

(b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each magistrate position and shall determine whether the position is full-time or part-time. The qualifications must require the magistrate to:

(1) have served as a justice of the peace or municipal court judge; or

(2) be an attorney licensed in this state.

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

Sec. 54.1602. JURISDICTION. 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) The Commissioners

Court of Bell County shall establish the powers and duties of a magistrate appointed under this subchapter. 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 may administer an oath for any purpose.

(b) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(c) The commissioners court may designate one or more magistrates to hold regular hearings to:

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

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

(e) A magistrate may 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. A magistrate has the same judicial immunity as a district judge.

Sec. 54.1605. WITNESSES. (a) 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) A referring court may fine or imprison a witness or

1 other court participant for failure to appear after being summoned,
2 refusal to answer questions, or other acts of direct contempt
3 before a magistrate.

4 SECTION 2. Article 2A.151, Code of Criminal Procedure, is
5 amended to conform to Section 4.001, Chapter 861 (H.B. 3474), Acts
6 of the 88th Legislature, Regular Session, 2023, and to read as
7 follows:

8 Art. 2A.151. TYPES OF MAGISTRATES. The following officers
9 are magistrates for purposes of this code:

10 (1) a justice of the supreme court;

11 (2) a judge of the court of criminal appeals;

12 (3) a justice of the courts of appeals;

13 (4) a judge of a district court;

14 (5) an associate judge appointed by:

15 (A) a judge of a district court or a statutory
16 county court that gives preference to criminal cases in Jefferson
17 County;

18 (B) a judge of a district court or a statutory
19 county court of Brazos County, Nueces County, or Williamson County;
20 or

21 (C) a judge of a district court under Chapter
22 54A, Government Code;

23 (6) a criminal magistrate appointed by:

24 (A) the Bell County Commissioners Court;

25 (B) the Brazoria County Commissioners Court; or

26 (C) ~~[(B)]~~ the Burnet County Commissioners Court;

27 (7) a criminal law hearing officer for:

(A) Harris County appointed under Subchapter L, Chapter 54, Government Code; or

(B) Cameron County appointed under Subchapter BB, Chapter 54, Government Code;

(8) a magistrate appointed:

(A) by a judge of a district court of Bexar County, Dallas County, or Tarrant County that gives preference to criminal cases;

(B) by a judge of a criminal district court of Dallas County or Tarrant County;

(C) by a judge of a district court or statutory county court of Denton or Grayson County;

(D) by a judge of a district court or statutory county court that gives preference to criminal cases in Travis County;

(E) [~~(D)~~] by the El Paso Council of Judges;

(F) [~~(E)~~] by the Fort Bend County Commissioners Court;

(G) [~~(F)~~] by the Collin County Commissioners Court; or

(H) [~~(G)~~] under Subchapter JJ, Chapter 54, Government Code;

(9) a magistrate or associate judge appointed by a judge of a district court of Lubbock County, Nolan County, or Webb County;

(10) a county judge;

(11) a judge of:

1 (A) a statutory county court;

2 (B) a county criminal court; or

3 (C) a statutory probate court;

4 (12) an associate judge appointed by a judge of a
5 statutory probate court under Chapter 54A, Government Code;

6 (13) a justice of the peace; and

7 (14) a mayor or recorder of a municipality or a judge
8 of a municipal court.

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

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2025.