

By: Buckley

H.B. No. 3716

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

SUBCHAPTER EE. BELL COUNTY CRIMINAL MAGISTRATES

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

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

18 (2) be an attorney licensed in this state.

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

21 Sec. 54.1602. JURISDICTION. A magistrate has concurrent
22 criminal jurisdiction with the judges of the justice of the peace
23 courts of Bell County.

24 SEC. 54.1603. POWERS AND DUTIES. (a) The Commissioners

1 Court of Bell County shall establish the powers and duties of a
2 magistrate appointed under this subchapter. Except as otherwise
3 provided by the commissioners court, a magistrate has the powers of
4 a magistrate under the Code of Criminal Procedure and other laws of
5 this state and may administer an oath for any purpose.

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

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

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

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

19 (e) A magistrate may inquire into a defendant's intended
20 plea to the charge and set the case for an appropriate hearing
21 before a judge or master.

22 Sec. 54.1604. JUDICIAL IMMUNITY. A magistrate has the same
23 judicial immunity as a district judge.

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

27 (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:

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

3 (B) Cameron County appointed under Subchapter
4 BB. Chapter 54. Government Code:

5 (8) a magistrate appointed:

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

9 (B) by a judge of a criminal district court of
10 Dallas County or Tarrant County:

11 (C) by a judge of a district court or statutory
12 county court of Denton or Grayson County:

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

17 (F) [~~(E)~~] by the Fort Bend County Commissioners
18 Court:

19 (G) [-(F)] by the Collin County Commissioners
20 Court: or

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

26 (10) a county judge;

27 (11) a judge of:

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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.