

By: Leach

H.B. No. 5079

A BILL TO BE ENTITLED

AN ACT

relating to the qualifications of certain masters, magistrates,
referees, and associate judges.

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

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. QUALIFICATIONS. (a) Except as provided by
Subsection (b) or another provision of this chapter and in addition
to any other qualification required by law, a master, magistrate,
referee, or associate judge appointed under this chapter must have
been licensed to practice law in this state for at least five years
before the date of appointment.

(b) A master, magistrate, referee, or associate judge
appointed under the following provisions of this chapter must have
been licensed to practice law in this state for at least two years
before the date of appointment:

(1) Section 54.991;

(2) Section 54.1231;

(3) Section 54.1501;

(4) Section 54.1851;

(5) Section 54.2001;

(6) Section 54.2301; or

(7) Section 54.2802.

SECTION 2. Section 54.302, Government Code, is amended to read as follows:

Sec. 54.302. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must[+]

[~~(1)~~] be a resident of this state[~~, and~~
[~~(2)~~ have been licensed to practice law in this state
for at least four years].

SECTION 3. Section 54.652, Government Code, is amended to read as follows:

Sec. 54.652. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must[+]

[~~(1)~~] be a resident of this state[~~, and~~
[~~(2)~~ have been licensed to practice law in this state
for at least four years].

SECTION 4. Section 54.802, Government Code, is amended to read as follows:

Sec. 54.802. QUALIFICATIONS. A master must[+]

[~~(1)~~] be a citizen and resident of this state[~~, and~~
[~~(2)~~ have been licensed to practice law in this state
for at least four years].

SECTION 5. Section 54.853, Government Code, is amended to read as follows:

Sec. 54.853. QUALIFICATIONS. To be eligible for appointment as a criminal law hearing officer under this subchapter, a person must:

- (1) be a resident of this state and the county;
- (2) [~~have been licensed to practice law in this state~~

~~for at least four years;~~

~~[(3)]~~ not have been defeated for reelection to a judicial office;

(3) ~~[(4)]~~ not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) ~~[(5)]~~ not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before the final disposition of the proceedings.

SECTION 6. Section 54.872, Government Code, is amended to read as follows:

Sec. 54.872. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must~~+~~

~~[(1)]~~ be a resident of this state~~[, and~~

~~[(2) have been licensed to practice law in this state for at least four years]~~.

SECTION 7. Section 54.902, Government Code, is amended to read as follows:

Sec. 54.902. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must~~+~~

~~[(1)]~~ be a resident of this state~~[, and~~

~~[(2) have been licensed to practice law in this state for at least four years]~~.

SECTION 8. Section 54.972, Government Code, is amended to

1 read as follows:

2 Sec. 54.972. QUALIFICATIONS. A magistrate must~~+~~

3 [~~(1)~~] be a resident of this state and of Travis
4 County~~+, and~~

5 [~~(2)~~ have been licensed to practice law in this state
6 ~~for at least four years~~].

7 SECTION 9. Section 54.1173, Government Code, is amended to
8 read as follows:

9 Sec. 54.1173. QUALIFICATIONS. A magistrate must:

10 (1) be a citizen of this state; and

11 (2) be at least 25 years of age~~+, and~~

12 [~~(3)~~ have been licensed to practice law in this state
13 ~~for at least four years preceding the date of appointment~~].

14 SECTION 10. Section 54.1353, Government Code, is amended to
15 read as follows:

16 Sec. 54.1353. QUALIFICATIONS. To be eligible for
17 appointment as a criminal law hearing officer under this
18 subchapter, a person must:

19 (1) be a resident of Cameron County;

20 (2) be eligible to vote in this state and in Cameron
21 County;

22 (3) be at least 30 years of age; and

23 (4) [~~be a licensed attorney with at least four years'~~
24 ~~experience, and~~

25 [~~(5)~~] have the other qualifications required by the
26 board.

27 SECTION 11. Section 54.1501(b), Government Code, is amended

1 to read as follows:

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

7 ~~[(1) have served as a justice of the peace or municipal~~
8 ~~court judge, or~~

9 ~~[(2) be an attorney licensed in this state.]~~

10 SECTION 12. Section 54.1804, Government Code, is amended to
11 read as follows:

12 Sec. 54.1804. QUALIFICATIONS. A magistrate must~~+~~

13 ~~[(1)]~~ be a resident of this state and of the county in
14 which the magistrate is appointed to serve under this subchapter~~+~~
15 ~~and~~

16 ~~[(2) have been licensed to practice law in this state~~
17 ~~for at least four years].~~

18 SECTION 13. Section 54.1851(b), Government Code, is amended
19 to read as follows:

20 (b) The commissioners court shall establish the minimum
21 qualifications, salary, benefits, and other compensation of each
22 magistrate position and shall determine whether the position is
23 full-time or part-time. ~~[The qualifications must require the~~
24 ~~magistrate to have served as a justice of the peace or be an~~
25 ~~attorney licensed in this state.]~~

26 SECTION 14. Section 54.1953, Government Code, is amended to
27 read as follows:

Sec. 54.1953. QUALIFICATIONS. A magistrate must:

(1) be a citizen of this state; and

(2) have resided in the county for at least six months before the date of the appointment[~~, and~~

~~[(3) have:~~

~~[(A) served as a justice of the peace for at least four years before the date of appointment; or~~

~~[(B) been licensed to practice law in this state for at least four years before the date of appointment].~~

SECTION 15. Section 54.2202(a), Government Code, is amended to read as follows:

(a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States; and

(2) have resided in Collin County for at least the four years preceding the person's appointment[~~, and~~

~~[(3) have been licensed to practice law in this state for at least four years].~~

SECTION 16. Section 54.2402(a), Government Code, is amended to read as follows:

(a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States; and

(2) have resided in Fort Bend County for at least the four years preceding the person's appointment[~~, and~~

~~[(3) have been licensed to practice law in this state for at least four years].~~

SECTION 17. Section 54.2602, Government Code, is amended to read as follows:

Sec. 54.2602. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must

[~~(1)~~] be a resident of this state [~~+~~ and
~~(2)~~ have been licensed to practice law in this state
for at least four years].

SECTION 18. Section 54.2702(a), Government Code, is amended to read as follows:

(a) To be eligible for appointment as a magistrate, a person must be a resident of this state [~~and~~+

~~(1) have served as a justice of the peace or municipal court judge for at least four years before the date of appointment,~~
~~or~~

~~(2) have been licensed to practice law in this state for at least four years before the date of appointment].~~

SECTION 19. Section 54.2802(a), Government Code, is amended to read as follows:

(a) The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County shall appoint one or more judges to preside over the criminal law magistrate court. An appointed judge must:

(1) serve Denton County as a district court judge, a criminal statutory county court judge, an associate judge of a court with criminal jurisdiction, a magistrate, including a jail magistrate, a judge of a municipal court of record, or a justice of the peace;

(2) ~~[be a licensed attorney in good standing with the State Bar of Texas,~~

~~(3)]~~ be authorized to access criminal history records under state and federal law;

(3) ~~(4)]~~ have completed training necessary to serve as a magistrate in Denton County, as determined by the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County; and

(4) ~~(5)]~~ meet the qualifications under Section 54.2807.

SECTION 20. Section 54.2807, Government Code, is amended to read as follows:

Sec. 54.2807. QUALIFICATIONS. To be eligible for appointment as the criminal law magistrate court associate judge, a jail magistrate, or another magistrate in the criminal law magistrate court, a person must~~+~~

~~(1)]~~ have been a resident of Denton County for at least two years preceding the person's appointment~~[, and~~

~~(2) have been licensed to practice law in this state for at least four years]~~.

SECTION 21. Section 54A.003, Government Code, is amended to read as follows:

Sec. 54A.003. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state

1 for at least five [~~four~~] years;

2 (3) not have been removed from office by impeachment,
3 by the supreme court, by the governor on address to the legislature,
4 by a tribunal reviewing a recommendation of the State Commission on
5 Judicial Conduct, or by the legislature's abolition of the judge's
6 court; and

7 (4) not have resigned from office after having
8 received notice that formal proceedings by the State Commission on
9 Judicial Conduct had been instituted as provided by Section 33.022
10 and before final disposition of the proceedings.

11 SECTION 22. Section 54A.103, Government Code, is amended to
12 read as follows:

13 Sec. 54A.103. QUALIFICATIONS. To qualify for appointment
14 as an associate judge under this subchapter, a person must:

15 (1) be a resident of this state and one of the counties
16 the person will serve;

17 (2) have been licensed to practice law in this state
18 for at least five [~~four~~] years;

19 (3) not have been removed from office by impeachment,
20 by the supreme court, by the governor on address to the legislature,
21 by a tribunal reviewing a recommendation of the State Commission on
22 Judicial Conduct, or by the legislature's abolition of the judge's
23 court; and

24 (4) not have resigned from office after having
25 received notice that formal proceedings by the State Commission on
26 Judicial Conduct had been instituted as provided in Section 33.022
27 and before final disposition of the proceedings.

SECTION 23. Section 54A.305(a), Government Code, is amended to read as follows:

(a) To be eligible for appointment as an associate judge under this subchapter, a person must:

(1) be a citizen of the United States;

(2) be a resident of this state for the two years preceding the date of appointment; and

(3) be:

(A) eligible for assignment under Section 74.054 because the person is named on the list of retired and former judges maintained by the presiding judge of the administrative judicial region under Section 74.055;

(B) eligible for assignment under Section 25.0022 by the presiding judge of the statutory probate courts; or

(C) licensed to practice law in this state for at least five years and have 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 24. The changes in law made by this Act apply only to a master, magistrate, referee, or associate judge appointed under Chapter 54 or 54A, Government Code, as amended by this Act, on or after the effective date of this Act. A master, magistrate, referee, or associate judge appointed before the effective date of this Act is governed by the law in effect on the date the master, magistrate, referee, or associate judge was appointed, and the former law is continued in effect for that purpose.

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1 SECTION 25. This Act takes effect September 1, 2025.