By: Capriglione

H.B. No. 1904

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the powers and compensation of criminal law magistrates

3 in Tarrant County.

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

5   SECTION 1.   Section 54.653, Government Code, is amended to

6 read as follows:

7   Sec. 54.653. COMPENSATION. (a) A full-time magistrate is

8 entitled to the salary determined by the Commissioners Court of

9 Tarrant County.

10   (b) The salary of a full-time magistrate may not exceed 90

11 percent of the sum of:

12   (1) [be less than] the salary [authorized to be] paid

13 to a district judge by the state under Section 659.012; and

14   (2) the maximum amount of county contributions and

15 supplements allowed by law to be paid to a district judge under

16 Section 659.012 [master for family law cases appointed under

17 Subchapter A].

18   (c) The salary of a part-time magistrate is equal to the

19 per-hour salary of a full-time magistrate. The per-hour salary is

20 determined by dividing the annual salary by a 2,000 work-hour year.

21 The judges of the courts trying criminal cases in Tarrant County

22 shall approve the number of hours for which a part-time magistrate

23 is to be paid.

24   (d) A [The] magistrate's salary is paid from the county fund

1 available for payment of officers' salaries.

2   SECTION 2. Section 54.656(a), Government Code, is amended

3 to read as follows:

4   (a) A judge may refer to a magistrate any criminal case or

5 matter relating to a criminal case for proceedings involving:

6   (1) a negotiated plea of guilty or no contest and

7 sentencing before the court;

8   (2) a bond forfeiture, remittitur, and related

9 proceedings;

10   (3) a pretrial motion;

11   (4) a [postconviction] writ of habeas corpus;

12   (5) an examining trial;

13   (6) an occupational driver's license;

14   (7) a petition for an [agreed] order of expunction

15 under Chapter 55, Code of Criminal Procedure;

16   (8) an asset forfeiture hearing as provided by Chapter

17 59, Code of Criminal Procedure;

18   (9) a petition for an [agreed] order of nondisclosure

19 of criminal history record information or an order of nondisclosure

20 of criminal history record information that does not require a

21 petition provided by Subchapter E-1, Chapter 411;

22   (10) a [hearing on a] motion to modify or revoke

23 community supervision or to proceed with an adjudication of guilt

24 [probation]; [and]

25   (11) setting conditions, modifying, revoking, and

26 surrendering of bonds, including surety bonds;

27   (12) specialty court proceedings;

1   (13) a waiver of extradition; and

2   (14) any other matter the judge considers necessary

3 and proper.

4   SECTION 3. Section 54.658, Government Code, is amended to

5 read as follows:

6   Sec. 54.658. POWERS. (a) Except as limited by an order of

7 referral, a magistrate to whom a case is referred may:

8   (1) conduct hearings;

9   (2) hear evidence;

10   (3) compel production of relevant evidence;

11   (4) rule on admissibility of evidence;

12   (5) issue summons for the appearance of witnesses;

13   (6) examine witnesses;

14   (7) swear witnesses for hearings;

15   (8) make findings of fact on evidence;

16   (9) formulate conclusions of law;

17   (10) rule on a pretrial motion;

18   (11) recommend the rulings, orders, or judgment to be

19 made in a case;

20   (12) regulate proceedings in a hearing;

21   (13) accept a plea of guilty from a defendant charged

22 with misdemeanor, felony, or both misdemeanor and felony offenses;

23   (14) select a jury;

24   (15) accept a negotiated plea on a probation

25 revocation;

26   (16) conduct a contested probation revocation

27 hearing;

1   (17) sign a dismissal in a misdemeanor case; [and]

2   (18) in any case referred under Section 54.656(a)(1),

3 accept a negotiated plea of guilty or no contest and:

4   (A) enter a finding of guilt and impose or

5 suspend the sentence; or

6   (B) defer adjudication of guilt; and

7   (19) do any act and take any measure necessary and

8 proper for the efficient performance of the duties required by the

9 order of referral.

10   (b) A magistrate may sign a motion to dismiss submitted by

11 an attorney representing the state on cases referred to the

12 magistrate, or on dockets called by the magistrate, and may

13 consider unadjudicated cases at sentencing under Section 12.45,

14 Penal Code.

15   (c) A magistrate has all of the powers of a magistrate under

16 the laws of this state and may administer an oath for any purpose.

17   (d) A magistrate does not have authority under Article

18 18.01(c), Code of Criminal Procedure, to issue a subsequent search

19 warrant under Article 18.02(10), Code of Criminal Procedure.

20   SECTION 4. The changes in law made by Sections 2 and 3 of

21 this Act apply to a matter or case referred to a magistrate on or

22 after the effective date of this Act. A matter or case referred to a

23 magistrate before the effective date of this Act is governed by the

24 law in effect immediately before that date, and that law is

25 continued in effect for that purpose.

26   SECTION 5. This Act takes effect September 1, 2017.