

By: Lucio III

H.B. No. 1774

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction and powers of and the referral of certain proceedings to a criminal law hearing officer in Cameron County.

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

SECTION 1. Section 54.1356(a), Government Code, is amended to read as follows:

(a) A criminal law hearing officer appointed under this subchapter has limited concurrent jurisdiction over criminal cases filed in the district courts, statutory county courts, and justice courts of the county. The jurisdiction of the criminal law hearing officer is limited to:

(1) determining probable cause for further detention of any person detained on a criminal complaint, information, or indictment filed in the district courts, statutory county courts, or justice courts of the county;

(2) committing the defendant to jail, discharging the defendant from custody, or admitting the defendant to bail, as the law and facts of the case require;

(3) issuing search warrants and arrest warrants as provided by law for magistrates;

(4) as to criminal cases filed in justice courts, disposing of cases as provided by law, other than by trial, and collecting fines and enforcing judgments and orders of the justice

1 courts in criminal cases;

2 (5) hearing, considering, and ruling on writs of
3 habeas corpus filed under Article 17.151, Code of Criminal
4 Procedure; ~~and~~

5 (6) on motion of the district attorney:

6 (A) dismissing a criminal case when the arresting
7 agency has not timely filed the offense report with the district
8 attorney; and

9 (B) reducing the amount of bond on prisoners held
10 at the county jail whose cases have not been filed in a district
11 court or a statutory county court; and

12 (7) presiding over an extradition proceeding under
13 Article 51.13, Code of Criminal Procedure.

14 SECTION 2. Section 54.1358, Government Code, is amended by
15 adding Subsections (f) and (g) to read as follows:

16 (f) In accordance with Article 26.13, Code of Criminal
17 Procedure, a criminal law hearing officer may accept a plea of
18 guilty or nolo contendere.

19 (g) A criminal law hearing officer may determine whether a
20 defendant is indigent and appoint counsel for an indigent
21 defendant.

22 SECTION 3. Subchapter BB, Chapter 54, Government Code, is
23 amended by adding Section 54.1362 to read as follows:

24 Sec. 54.1362. PROCEEDINGS THAT MAY BE REFERRED. A district
25 judge or a county court at law judge may refer to a criminal law
26 hearing officer any criminal case for proceedings involving:

27 (1) a bond forfeiture;

1 (2) the arraignment of defendants;
2 (3) the determination of whether a defendant is
3 indigent and the appointment of counsel for an indigent defendant;
4 and
5 (4) a negotiated plea of guilty or nolo contendere
6 before the court, in accordance with Article [26.13](#), Code of
7 Criminal Procedure.

8 SECTION 4. This Act takes effect September 1, 2015.