

## **BILL ANALYSIS**

Senate Research Center  
79R8536 RMB-D

S.B. 1600  
By: Whitmire  
Criminal Justice  
4/25/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Courts must not be incapacitated simply because the criminal law hearing officer is absent or unable to serve for some reason. This ability to appoint a qualified person to serve temporarily in that role, if necessary, will ensure the courts' continued operation.

As proposed, S.B. 1600 allows for the appointment of individuals to fill in for criminal law hearing officers who are absent or unable to serve.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 54.852(a), Government Code, to authorize specific judges in Harris County courts to appoint criminal law hearing officers, or qualified persons to serve temporarily for absent criminal law hearing officers, with the consent and approval of the commissioners court, to perform the duties authorized by this subchapter.

SECTION 2. Amends Section 54.854(a), Government Code, to provide that each criminal law hearing officer, including each temporary criminal law hearing officer appointed to serve for an absent criminal law hearing officer, is entitled to a salary in the amount set by the commissioners court.

SECTION 3. Amends Section 54.856, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Sets forth limitations for the jurisdiction of the criminal law hearing officer over criminal cases filed in the district courts and county criminal courts at law.

(a-1) Provides that a criminal law hearing officer appointed under this subchapter has concurrent jurisdiction over criminal cases filed in the justice courts of the county.

SECTION 4. Amends Section 54.858, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that a criminal law hearing officer has all of the powers of a magistrate under the Code of Criminal Procedures and other laws of this state.

(a-1) Creates this subsection from existing text.

SECTION 5. Amends Article 2.09, Code of Criminal Procedure, to include that the criminal hearing officers appointed under Subchapter L, Chapter 54 (Masters; Magistrates; Referees; Associate Judges), Government Code, are magistrates within the meaning of this Code.

SECTION 6. Effective date: September 1, 2005.