

## **BILL ANALYSIS**

Senate Research Center

H.B. 3229  
By: Oakley (Cain)  
Criminal Justice  
5-17-97  
Engrossed

### **DIGEST**

Currently, Kaufman County has four justices of the peace (JPs) who also act as magistrates for the county. The JPs are scheduled to alternate duties for the county. With two of the current JPs also serving as municipal judges, combined with the present work load and the geographic challenges of the county, it has become extremely difficult for the county jail to have an efficient magistrate program. The Kaufman County Commissioners Court believes that it is necessary to have a magistrate available on a more consistent basis. The ability to provide an efficient and reliable magistrate process will speed the disposal of cases and improve judicial efficiency. H.B. 3229 allows the district court judge of Kaufman County to appoint criminal law magistrates, and to refer certain criminal case proceedings to a magistrate.

### **PURPOSE**

As proposed, H.B. 3229 provides for the appointment of criminal law magistrates in Kaufman County.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 54, Government Code, by adding Subchapter P, as follows

#### **SUBCHAPTER P. CRIMINAL LAW MAGISTRATES IN KAUFMAN COUNTY**

Sec. 54.951. APPOINTMENT. Requires the judge of the district court of Kaufman County, with the consent and approval of the Commissioners Court of Kaufman County (commissioners court), to appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

Sec. 54.952. QUALIFICATIONS. Requires a magistrate to be a resident of this state and Kaufman County.

Sec. 54.953. COMPENSATION. Provides that a magistrate is entitled to the salary determined by the commissioners court, and is paid from the county fund.

Sec. 54.954. JUDICIAL IMMUNITY. Provides that a magistrate has the same immunity as a district judge.

Sec. 54.955. TERMINATION OF SERVICES. Provides that a magistrate serves at the will of the district judge.

Sec. 54.956. PROCEEDINGS THAT MAY BE REFERRED. Authorizes a judge to refer to a magistrate any criminal case for certain proceedings. Prohibits a magistrate from presiding over a contested trial on the merits, regardless of whether the trial is before a jury.

Sec. 54.957. PAPERS TRANSMITTED TO JUDGE. Requires a magistrate, at the conclusion of the proceedings, to transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.958. JUDICIAL ACTION. Authorizes a referring court to modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate. Provides that if the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court. Requires the referring court, at the conclusion of each term during which the services of a magistrate are used, to enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

SECTION 2. Emergency clause.  
Effective date: upon passage.