

1 AN ACT

2 relating to the powers and duties of magistrates in Brazos County.

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

4 SECTION 1. Article 2.09, Code of Criminal Procedure, is  
5 amended to read as follows:

6 Art. 2.09. WHO ARE MAGISTRATES. Each of the following  
7 officers is a magistrate within the meaning of this Code: The  
8 justices of the Supreme Court, the judges of the Court of Criminal  
9 Appeals, the justices of the Courts of Appeals, the judges of the  
10 District Court, the magistrates appointed by the judges of the  
11 district courts of Bexar County, Dallas County, or Tarrant County  
12 that give preference to criminal cases, the criminal law hearing  
13 officers for Harris County appointed under Subchapter L, Chapter  
14 54, Government Code, the magistrates appointed by the judges of the  
15 district courts of Lubbock County or Webb County, the magistrates  
16 appointed by the judges of the criminal district courts of Dallas  
17 County or Tarrant County, the masters appointed by the judges of the  
18 district courts and the county courts at law that give preference to  
19 criminal cases in Jefferson County, the magistrates appointed by  
20 the judges of the district courts and the statutory county courts of  
21 Brazos County or Williamson County, the magistrates appointed by  
22 the judges of the district courts and statutory county courts that  
23 give preference to criminal cases in Travis County, the county  
24 judges, the judges of the county courts at law, judges of the county

1 criminal courts, the judges of statutory probate courts, the  
2 associate judges appointed by the judges of the statutory probate  
3 courts under Subchapter G, Chapter 54, Government Code, the  
4 justices of the peace, and the mayors and recorders and the judges  
5 of the municipal courts of incorporated cities or towns.

6 SECTION 2. Section 54.1106, Government Code, is amended by  
7 amending Subsections (a), (b), and (d) and adding Subsection (c-1)  
8 to read as follows:

9 (a) A judge of a court authorized by the Commissioners Court  
10 of Brazos County to refer criminal cases may refer to a magistrate  
11 any criminal case for proceedings involving:

- 12 (1) a bond forfeiture;
- 13 (2) the arraignment of defendants;
- 14 (3) a determination of whether a defendant is indigent  
15 and, if so, the appointment of counsel for the defendant; ~~and~~
- 16 (4) a negotiated plea of guilty or no contest and  
17 sentencing;
- 18 (5) a pretrial motion;
- 19 (6) an examining trial;
- 20 (7) an application for a writ of habeas corpus;
- 21 (8) issuance of an arrest warrant or a search warrant;
- 22 (9) setting of bonds;
- 23 (10) a motion to increase or decrease a bond;
- 24 (11) a motion to proceed with adjudication;
- 25 (12) a motion to modify or revoke community  
26 supervision;
- 27 (13) a drug court proceeding;

1           (14) an occupational driver's license; or  
2           (15) any other matter the judge considers necessary  
3 and proper [~~before the court~~].

4           (b) A judge of a court having family law jurisdiction may  
5 refer to a magistrate any matter that may be referred to an  
6 associate judge under Subchapter A, Chapter 201, Family Code, or a  
7 referee under Title 3, Family Code [~~a master appointed under the~~  
8 ~~Family Code or this chapter~~].

9           (c-1) A judge of a court with jurisdiction over a delinquent  
10 tax suit may refer to a magistrate any matter that may be referred  
11 to a tax master under Subtitle E, Title 1, Tax Code.

12           (d) A magistrate may not preside over a trial on the merits  
13 [~~, regardless of whether the trial is~~] before a jury. With the  
14 written consent of the parties and the approval of the referring  
15 judge, a magistrate may preside over a bench trial on the merits.

16           SECTION 3. This Act takes effect September 1, 2005.

David Swihurst

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 3541 was passed by the House on May 9, 2005, by a non-record vote.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 3541 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patricia Shaw  
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

~~10~~ 10:20 AM CLOCK

JUN 18 2005

Roger Williams  
Secretary of State