BILL ANALYSIS

DIGEST

Currently, the Dallas County magistrate authorization statute, Chapter 54D, Government Code, does not allow a judge of a county criminal court of Dallas County to appoint a magistrate to perform the duties authorized by Chapter 54D. Additionally, the statute does not allow a district court judge to refer to a magistrate a plea of nolo contendere. The use of a magistrate by county criminal court judges would allow the courts to function more efficiently. The ability of a magistrate to accept additional pleas would maximize the use of the district court judge's time in trial. This bill amends the Dallas County magistrate authorization statute to allow a county criminal court judge to appoint a magistrate. Additionally, this bill would amend the statute to allow a district court judge to refer to a magistrate a plea of nolo contendere. Finally, this bill would require the court to provide a court reporter to record the proceedings before a magistrate at the request of a party in a felony case.

PURPOSE

As proposed, S.B. 611 amends the Dallas County magistrate authorization statute, Chapter 54D, Government Code, to allow a judge of a county criminal court of Dallas County to appoint a magistrate. Additionally, this bill would allow a district court judge to refer to a magistrate pleas of nolo contendere. Finally, this bill would amend the statute to require the court to provide a court reporter to record the proceeding before a magistrate at the request of a party in a felony case.

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 Section 54.301(a), Government Code, to authorize each judge of a county criminal court of Dallas County, among other judges, to appoint a magistrate to perform the duties authorized by this subchapter. Makes a conforming change.

SECTION 2. Amends Section 54.306(a), Government Code, to authorize a judge to refer to a magistrate any matter arising out of a criminal case involving a nolo contendere or an occupational driver's license, among other items. Makes conforming changes.

SECTION 3. Amends Section 54.308(c), Government Code, to authorize a magistrate who is appointed by a district court judge to whom a case is referred to accept a plea of guilty or nolo contendere. Makes a conforming change.

SECTION 4. Amends Section 54.309, Government Code, to require a court to provide a court reporter to record the proceeding before the magistrate at the request of a party in a felony case.

SECTION 5. Emergency clause.
        Effective date: upon passage.