

BILL ANALYSIS

Senate Research Center
77R3192 QS-D

H.B. 3000
By: Uresti (Madla)
Criminal Justice
5/9/2001
Engrossed

DIGEST AND PURPOSE

Currently in Bexar County, a magistrate is prohibited from entering a ruling on any issue of the law or fact if that ruling could result in a dismissal or require dismissal of a pending criminal prosecution. Judges may be more predisposed to consider cases that have not been ruled on. Each year, thousands of dismissals are filed in Bexar County that require the signature of a judge and a representative of the state. The large volume of dismissals filed could cause a backlog in the system and may divert the attention of judges from engaging in contested matters before the court. Delegating the performance of such an administrative task could help improve the flow of the judicial process. H.B. 3000 deletes the provision which prohibits a magistrate from entering a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution.

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 54.908, Government Code, to delete existing text of Subsection (b) regarding certain rulings by a magistrate.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.