

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1597

By: Madla

Jurisprudence

4/29/2005

Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The purpose of this proposed legislation is to allow additional flexibility in the provision of magistrate services by Bexar County. C.S.S.B. 1597 allows the Bexar County commissioners court and county court judges to jointly appoint county court magistrates, who have concurrent criminal jurisdiction with the judges of the statutory courts, justice of the peace courts, and municipal courts of Bexar County.

Additionally the proposed legislation creates the position of the Chief of County Court Magistrate Services to be appointed for a three year term by the commissioners court, and provides that a county court magistrate is given the same judicial immunity as a statutory county court judge.

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 54.901, Government Code, as follows:

(b) Requires the judges of the county courts that give preference to criminal cases, with the consent and approval of the Commissioners Court of Bexar County, to jointly appoint the number of county court magistrates set by the commissioners court. Provides that the county court magistrates have concurrent criminal jurisdiction with the judges of the statutory county courts upon referral by originating statutory county courts at law, justice of the peace courts, and municipal courts of Bexar County. Authorizes the county court magistrates to only exercise such concurrent criminal jurisdiction with the judges of the municipal courts of Bexar County subject to the terms of an agreement approved by the Commissioners Court of Bexar County and the City Council of the City of San Antonio. Provides that a county court magistrate's appointment is for a term of two years.

(c) Requires each magistrate's appointment to be made with the approval of the majority of the respective judges described in Subsections (a) or (b), rather than the majority of the judges described in Subsection (a). Redesignated from existing Subsection (b).

(d) Redesignated from existing Subsection (c).

(e) Creates the position of Chief of County Court Magistrate Services. Requires the position to be filled by appointment by the Commissioners Court of Bexar County, the district courts giving preference to criminal cases, and the county courts giving preference to criminal cases. Requires the chief, once appointed, to serve a term of three years and until a successor is appointed and qualified. Provides that the chief has the power and authority given to county court magistrates. Requires the chief to be paid a certain salary.

SECTION 2. Amends Section 54.904, Government Code, by adding Subsections (a) and (b), as follows:

(a) Provides that a magistrate appointed under Section 54.901(a) has the same judicial immunity as a district judge.

(b) Provides that a magistrate appointed under Section 54.901(b) has the same judicial immunity as a statutory county court judge.

SECTION 3. Effective date: upon passage or September 1, 2005.