

BILL ANALYSIS

Senate Research Center
80R17617 YDB-D

H.B. 4039
By: Anderson (Averitt)
Jurisprudence
5/15/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

McLennan County currently has the need for a magistrate; however, the need is inconsistent because the hours vary and the position is hard to fill by a justice of the peace.

H.B. 4039 authorizes the judges of McLennan County and the commissioners court of McLennan County to appoint a magistrate to regulate the flow of prisoners at certain times and sets forth specific actions that the appointed magistrate may take.

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 Chapter 54, Government Code, by adding Subchapter CC, as follows:

SUBCHAPTER CC. MAGISTRATES IN MCLENNAN COUNTY

Sec. 54.1511. APPOINTMENT. Authorizes the judges of the district courts in McLennan County that give preference to criminal cases and the judges of the county courts at law of McLennan County that give preference to criminal cases, with the consent and approval of the Commissioners Court of McLennan County, to appoint the number of magistrates determined by the commissioners court to perform the duties authorized by this subchapter.

Sec. 54.1512. QUALIFICATION. Requires a person, to be eligible for appointment as a magistrate, to be a resident of McLennan County, Texas, and to have been licensed to practice law in this state or served as a judge or magistrate in this state for at least four years.

Sec. 54.1513. COMPENSATION. Entitles a magistrate to the salary determined by the Commissioners Court of McLennan County.

Sec. 54.1514. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1515. POWERS. Authorizes a magistrate, subject to the standing orders of the appointing judges, to investigate applications for personal bonds, give statutory warnings, set bonds, including personal bonds, and issue personal bonds to qualified defendants. Provides that the county judge has the same powers as a magistrate appointed under this subchapter. Authorizes a magistrate to administer oaths for any purpose.

SECTION 2. Effective date: upon passage or September 1, 2007.