

BILL ANALYSIS

Senate Research Center
82R13126 PMO-F

H.B. 994
By: Castro (Zaffirini)
Jurisprudence
4/26/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to expand the powers of Bexar County magistrate judges to include a plea of guilty or nolo contendere for all misdemeanor charges.

This bill would help Bexar County magistrates realize their full potential by expanding their duties to include a plea of guilty or nolo contendere for all misdemeanor charges.

Currently, magistrate judges may accept only a plea of guilty for a misdemeanor from a defendant charged with both misdemeanor and felony offenses.

This legislation would allow all Bexar County magistrate judges to accept a plea of guilty or nolo contendere for all misdemeanor charges.

H.B. 994 amends current law relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

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 54.906(a), Government Code, as follows:

(a) Authorizes a judge to refer to a magistrate any criminal case for certain proceedings, including proceedings involving any other matter the judge considers necessary and proper including a plea of guilty or nolo contendere from a defendant charged with a felony offense, a misdemeanor offense when charged with both a misdemeanor offense and a felony offense, or a misdemeanor offense, rather than any other matter the judge considers necessary and proper, including a negotiated plea of guilty before the court.

SECTION 2. Amends Section 54.908(a), Government Code, as follows:

(a) Authorizes a magistrate to whom a case is referred, except as limited by an order of referral, to conduct certain activities, including accepting a plea of guilty or nolo contendere from a defendant charged with a felony offense, a misdemeanor offense when charged with both a misdemeanor offense and a felony offense, or a misdemeanor offense, rather than accepting a plea of guilty for a misdemeanor from a defendant charged with both misdemeanor and felony offenses. Makes nonsubstantive changes.

SECTION 3. Effective date: upon passage or September 1, 2011.