

BILL ANALYSIS

Senate Research Center
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H.B. 452
By: Shine; Buckley (Buckingham)
Criminal Justice
5/13/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 452 creates administrative appointees who would take on truancy cases in Bell County.

There have been calls to foster more open communication between the school districts and courts in Bell County regarding truancy matters and to reduce the courts' backlog relating to such matters.

H.B. 452 authorizes the Commissioners Court of Bell County to select masters to serve the county's justice courts having jurisdiction in truancy matters. The legislation requires the commissioners court to establish the salary, benefits, and other compensation of each master position and to determine whether the position is full-time or part-time. A master is required to serve at the pleasure of the commissioners court and the legislation grants a master concurrent jurisdiction with the judges of the county's justice of the peace courts over cases involving truant conduct. The commissioners court is required to establish the powers and duties of a master and sets out related provisions.

The legislation grants a master the same judicial immunity as a district judge and requires a master to successfully complete all training required of a justice of the peace under state law. A master is authorized to certify a failure to comply with a summons or order to the referring court, subjects a witness so referred to the same penalties, and orders that may be imposed on a witness appearing in a hearing before the court, and subjects a witness appearing before a master to the penalties of perjury as provided by applicable Penal Code provisions.

H.B. 452 amends current law relating to the creation of truancy masters for Bell 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 Chapter 54, Government Code, by adding Subchapter B, as follows:

SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

Sec. 54.101. APPOINTMENT. (a) Authorizes the Commissioners Court of Bell County (commissioners court) to select masters to serve the justice courts of Bell County having jurisdiction in truancy matters.

(b) Requires the commissioners court to establish the salary, benefits, and other compensation of each master position and to determine whether the position is full-time or part-time.

(c) Provides that a master appointed under this section serves at the pleasure of the commissioners court.

Sec. 54.102. JURISDICTION. Provides that a master appointed under this subchapter has concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct in accordance with Section 65.004 (Truancy Courts; Jurisdiction), Family Code.

Sec. 54.103. POWERS AND DUTIES. (a) Requires the commissioners court to establish the powers and duties of a master appointed under this subchapter.

(b) Authorizes an order of referral to limit the use or power of a master.

(c) Authorizes a master, unless limited by published local rule, by written order, or by an order of referral, to perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(d) Authorizes a master to administer oaths.

Sec. 54.104. JUDICIAL IMMUNITY. Provides that a master has the same judicial immunity as a district judge.

Sec. 54.105. TRAINING. Requires a master appointed under this subchapter to successfully complete all training a justice of the peace is required to complete under state law.

Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. Authorizes the master, if an attorney, party, witness, or any other person fails to comply with a summons or order, to certify that failure in writing to the referring court for appropriate action.

Sec. 54.107. WITNESSES. (a) Provides that a witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37 (Perjury and Other Falsification), Penal Code.

(b) Provides that a witness referred to the court under Section 54.106 is subject to the same penalties and orders that to be imposed on a witness appearing in a hearing before the court.

SECTION 2. Effective date: September 1, 2019.