

BILL ANALYSIS

H.B. 4715
By: Murr
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the efficiency of the court system in Kerr County would be enhanced and the imperatives of justice served by the provision of magistrates when necessary to perform certain duties. H.B. 4715 seeks to convey the necessary authority for the commissioners court of that county to provide for such appointments.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4715 amends the Government Code to authorize the commissioners court of Kerr County to authorize the judges of the district and statutory county courts in Kerr County to appoint one or more part-time or full-time magistrates to perform the duties authorized by the bill and authorizes those judges to do so by unanimous vote. The bill requires an order appointing a magistrate to be signed by the local presiding judge of the district courts serving Kerr County and to state the magistrate's name and the beginning date of employment. The bill establishes that an authorized magistrate's position may be eliminated on a majority vote of the commissioners court of the county.

H.B. 4715 sets out the qualifications for an applicable magistrate, requires a magistrate to take the constitutional oath of office, and provides for a magistrate's compensation. The bill establishes that a magistrate has the same judicial immunity as a district judge. The bill authorizes the termination of a magistrate's employment by majority vote of all the judges of the district and statutory county courts of Kerr County and sets out the termination procedure. The bill requires the commissioners court to provide personnel, equipment, and office space for a magistrate.

H.B. 4715 requires the judges of the district or statutory county courts to establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable, and establishes a magistrate's authority, to the extent authorized by the bill and the standing orders, to exercise the authority granted by those judges. The bill establishes that a magistrate has all of the powers of a magistrate under the laws of Texas and may administer an oath for any purpose. The bill requires a magistrate to give preference to performing the duties of a magistrate under statutory provisions relating to a person arrested under warrant for a criminal offense. The bill authorizes a magistrate, with the express authorization of a justice of the peace, to exercise

concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of that justice of the peace, except for a trial on the merits following a plea of not guilty. The bill sets out additional powers and duties of a magistrate.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.