

BILL ANALYSIS

Senate Research Center
78R3103 YDB-D

S.B. 922
By: Harris
Jurisprudence
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As Filed

DIGEST AND PURPOSE

Currently, a magistrate appointed in Tarrant County must have the unanimous approval of all criminal judges in said county. In addition, magistrates in Tarrant County may take a plea of guilty for a misdemeanor from a defendant who is charged with both felony and a misdemeanor offenses. As proposed, S.B. 922 reduces the required unanimous approval of all criminal judges to a two-thirds majority of said judges; allows a magistrate to accept a plea of guilty from those only charged with a misdemeanor, a felony, or both misdemeanor and felony offenses; and allows a magistrate to select a jury.

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 54.651(b), Government Code, to require each magistrate's appointment to be made with the approval of at least two-thirds, rather than the unanimous approval, of all the judges described in Subsection (a).

SECTION 2. Amends Sections 54.656(b) and (c), Government Code, as follows:

(b) Authorizes a magistrate to accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(c) Authorizes a magistrate to select a jury. Prohibits a magistrate from presiding over a trial on the merits, whether or not the trial is before a jury.

SECTION 3. Amends Section 54.658(a), Government Code, to authorize a magistrate to whom a case is referred, except as limited by an order of referral, to perform certain acts, including accepting a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses and to select a jury.

SECTION 4. Effective date: September 1, 2003.