

## **BILL ANALYSIS**

Senate Research Center  
79R3568 RMB-F

H.B. 3541  
By: Cook, Robby (Ogden)  
Jurisprudence  
5/14/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Courts in Brazos County have become increasingly backlogged. H.B. 3541 increases the ability of magistrates to deal with the docket in Brazos 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 Article 2.09, Code of Criminal Procedure, to include the magistrates appointed by the judges of the district courts and the statutory county courts of Brazos County as magistrates within the meaning of this code. Makes a nonsubstantive change.

SECTION 2. Amends Section 54.1106, Government Code, by amending Subsections (a), (b), and (d) and adding Subsection (c-1), as follows:

(a) Authorizes a judge of a court authorized by the Commissioners Court of Brazos County to refer criminal cases to refer to a magistrate any criminal case for proceedings involving certain judicial actions.

(b) Authorizes a judge of a court having family law jurisdiction to refer to a magistrate any matter that may be referred to an associate judge under Subchapter A (Associate Judge), Chapter 201, Family Code, or a referee under Title 3 (Juvenile Justice Code), Family Code. Deletes existing text relating to a master appointed under the Family Code.

(c-1) Authorizes a judge of a court with jurisdiction over a delinquent tax suit to refer to a magistrate any matter that may be referred to a tax master under Subtitle E (Collections of Delinquency), Title 1, Tax Code.

(d) Provides that with the written consent of the parties and the approval of the referring judge, a magistrate is authorized to preside over a bench trial on the merits.

SECTION 3. Effective date: September 1, 2005.