

CHAPTER 413

S.B. No. 667

AN ACT

relating to criminal law magistrates.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 2.09, Code of Criminal Procedure, is amended to read as follows:

Art. 2.09. WHO ARE MAGISTRATES. Each of the following officers is a magistrate within the meaning of this Code: The justices of the Supreme Court, the judges of the Court of Criminal Appeals, the justices of the Courts of Appeals, the judges of the District Court, the magistrates appointed by the judges of the district courts of Bexar County, Dallas County, [or] Tarrant County, or *Travis County* that give preference to criminal cases, the magistrates appointed by the judges of the district courts of Lubbock County, and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County, the county judges, the judges of the county courts at law, judges of the county criminal courts, the judges of statutory probate courts, the justices of the peace, the mayors and recorders and the judges of the municipal courts of incorporated cities or towns.

SECTION 2. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The Court of Criminal Appeals;
2. Courts of appeals;
3. The district courts;
4. The criminal district courts;
5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, [or] Tarrant County, or *Travis County* that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;
6. The county courts;
7. All county courts at law with criminal jurisdiction;
8. County criminal courts;
9. Justice courts;
10. Municipal courts; and
11. The magistrates appointed by the judges of the district courts of Lubbock County.

SECTION 3. Section 54.976, Government Code, is amended to read as follows:

Sec. 54.976. PROCEEDINGS THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case for proceedings involving:

- (1) a negotiated plea of guilty and sentencing [~~before the court that has been given initial, but not final, approval by the referring judge~~];
- (2) a pretrial motion;
- (3) an examining trial;
- (4) a postconviction writ of habeas corpus;
- (5) a bond forfeiture suit;
- (6) issuance of search warrants;
- (7) setting of bonds;
- (8) arraignment of defendants; and
- (9) any other matter the judge considers necessary and proper.

(b) A magistrate may not preside over a contested trial on the merits, regardless of whether the trial is before a jury.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 5, 1993: Yeas 31, Nays 0; passed the House on May 21, 1993, by a non-record vote.

Approved June 6, 1993.

Effective Sept. 1, 1993.