

1-1 By: Lucio III (Senate Sponsor - Lucio) H.B. No. 1774
1-2 (In the Senate - Received from the House May 6, 2015;
1-3 May 6, 2015, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2015, reported favorably by the following vote:
1-5 Yeas 6, Nays 1; May 22, 2015, sent to printer.)

1-6	COMMITTEE VOTE			
1-7		Yea	Nay	Absent
1-8	Whitmire	X		PNV
1-9	Huffman		X	
1-10	Burton	X		
1-11	Creighton	X		
1-12	Hinojosa	X		
1-13	Menéndez	X		
1-14	Perry	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the jurisdiction and powers of and the referral of
1-18 certain proceedings to a criminal law hearing officer in Cameron
1-19 County.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 54.1356(a), Government Code, is amended
1-22 to read as follows:

1-23 (a) A criminal law hearing officer appointed under this
1-24 subchapter has limited concurrent jurisdiction over criminal cases
1-25 filed in the district courts, statutory county courts, and justice
1-26 courts of the county. The jurisdiction of the criminal law hearing
1-27 officer is limited to:

1-28 (1) determining probable cause for further detention
1-29 of any person detained on a criminal complaint, information, or
1-30 indictment filed in the district courts, statutory county courts,
1-31 or justice courts of the county;

1-32 (2) committing the defendant to jail, discharging the
1-33 defendant from custody, or admitting the defendant to bail, as the
1-34 law and facts of the case require;

1-35 (3) issuing search warrants and arrest warrants as
1-36 provided by law for magistrates;

1-37 (4) as to criminal cases filed in justice courts,
1-38 disposing of cases as provided by law, other than by trial, and
1-39 collecting fines and enforcing judgments and orders of the justice
1-40 courts in criminal cases;

1-41 (5) hearing, considering, and ruling on writs of
1-42 habeas corpus filed under Article 17.151, Code of Criminal
1-43 Procedure; ~~and~~

1-44 (6) on motion of the district attorney:

1-45 (A) dismissing a criminal case when the arresting
1-46 agency has not timely filed the offense report with the district
1-47 attorney; and

1-48 (B) reducing the amount of bond on prisoners held
1-49 at the county jail whose cases have not been filed in a district
1-50 court or a statutory county court; and

1-51 (7) presiding over an extradition proceeding under
1-52 Article 51.13, Code of Criminal Procedure.

1-53 SECTION 2. Section 54.1358, Government Code, is amended by
1-54 adding Subsections (f) and (g) to read as follows:

1-55 (f) In accordance with Article 26.13, Code of Criminal
1-56 Procedure, a criminal law hearing officer may accept a plea of
1-57 guilty or nolo contendere.

1-58 (g) A criminal law hearing officer may determine whether a
1-59 defendant is indigent and appoint counsel for an indigent
1-60 defendant.

1-61 SECTION 3. Subchapter BB, Chapter 54, Government Code, is

amended by adding Section 54.1362 to read as follows:

Sec. 54.1362. PROCEEDINGS THAT MAY BE REFERRED. A district judge or a county court at law judge may refer to a criminal law hearing officer any criminal case for proceedings involving:

(1) a bond forfeiture;

(2) the arraignment of defendants;

(3) the determination of whether a defendant is indigent and the appointment of counsel for an indigent defendant; and

(4) a negotiated plea of guilty or nolo contendere before the court, in accordance with Article 26.13, Code of Criminal Procedure.

SECTION 4. This Act takes effect September 1, 2015.

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