

1-1 By: Flores S.B. No. 251
 1-2 (In the Senate - Filed November 12, 2024; February 3, 2025,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 19, 2025, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; March 19, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

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

1-17 relating to the creation of criminal law magistrates for Bell
 1-18 County.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 54, Government Code, is amended by
 1-21 adding Subchapter EE to read as follows:

1-22 SUBCHAPTER EE. BELL COUNTY CRIMINAL MAGISTRATES

1-23 Sec. 54.1601. APPOINTMENT. (a) The Commissioners Court of
 1-24 Bell County may select magistrates to serve the courts of Bell
 1-25 County having jurisdiction in criminal matters.

1-26 (b) The commissioners court shall establish the minimum
 1-27 qualifications, salary, benefits, and other compensation of each
 1-28 magistrate position and shall determine whether the position is
 1-29 full-time or part-time. The qualifications must require the
 1-30 magistrate to:

1-31 (1) have served as a justice of the peace or municipal
 1-32 court judge; or

1-33 (2) be an attorney licensed in this state.

1-34 (c) A magistrate appointed under this section serves at the
 1-35 pleasure of the commissioners court.

1-36 Sec. 54.1602. JURISDICTION. A magistrate has concurrent
 1-37 criminal jurisdiction with the judges of the justice of the peace
 1-38 courts of Bell County.

1-39 Sec. 54.1603. POWERS AND DUTIES. (a) The Commissioners
 1-40 Court of Bell County shall establish the powers and duties of a
 1-41 magistrate appointed under this subchapter. Except as otherwise
 1-42 provided by the commissioners court, a magistrate has the powers of
 1-43 a magistrate under the Code of Criminal Procedure and other laws of
 1-44 this state and may administer an oath for any purpose.

1-45 (b) A magistrate shall give preference to performing the
 1-46 duties of a magistrate under Article 15.17, Code of Criminal
 1-47 Procedure.

1-48 (c) The commissioners court may designate one or more
 1-49 magistrates to hold regular hearings to:

1-50 (1) give admonishments;

1-51 (2) set and review bail and conditions of release;

1-52 (3) appoint legal counsel; and

1-53 (4) determine other routine matters relating to
 1-54 preindictment or pending cases within those courts' jurisdiction.

1-55 (d) In the hearings provided under Subsection (c), a
 1-56 magistrate shall give preference to the case of an individual held
 1-57 in county jail.

1-58 (e) A magistrate may inquire into a defendant's intended
 1-59 plea to the charge and set the case for an appropriate hearing
 1-60 before a judge or master.

1-61 Sec. 54.1604. JUDICIAL IMMUNITY. A magistrate has the same

2-1 judicial immunity as a district judge.

2-2 Sec. 54.1605. WITNESSES. (a) A witness who is sworn and
 2-3 who appears before a magistrate is subject to the penalties for
 2-4 perjury and aggravated perjury provided by law.

2-5 (b) A referring court may fine or imprison a witness or
 2-6 other court participant for failure to appear after being summoned,
 2-7 refusal to answer questions, or other acts of direct contempt
 2-8 before a magistrate.

2-9 SECTION 2. Article 2A.151, Code of Criminal Procedure, is
 2-10 amended to conform to Section 4.001, Chapter 861 (H.B. 3474), Acts
 2-11 of the 88th Legislature, Regular Session, 2023, and to read as
 2-12 follows:

2-13 Art. 2A.151. TYPES OF MAGISTRATES. The following officers
 2-14 are magistrates for purposes of this code:

2-15 (1) a justice of the supreme court;

2-16 (2) a judge of the court of criminal appeals;

2-17 (3) a justice of the courts of appeals;

2-18 (4) a judge of a district court;

2-19 (5) an associate judge appointed by:

2-20 (A) a judge of a district court or a statutory
 2-21 county court that gives preference to criminal cases in Jefferson
 2-22 County;

2-23 (B) a judge of a district court or a statutory
 2-24 county court of Brazos County, Nueces County, or Williamson County;
 2-25 or

2-26 (C) a judge of a district court under Chapter
 2-27 54A, Government Code;

2-28 (6) a criminal magistrate appointed by:

2-29 (A) the Bell County Commissioners Court;

2-30 (B) the Brazoria County Commissioners Court; or

2-31 (C) [~~(B)~~] the Burnet County Commissioners Court;

2-32 (7) a criminal law hearing officer for:

2-33 (A) Harris County appointed under Subchapter L,
 2-34 Chapter 54, Government Code; or

2-35 (B) Cameron County appointed under Subchapter
 2-36 BB, Chapter 54, Government Code;

2-37 (8) a magistrate appointed:

2-38 (A) by a judge of a district court of Bexar
 2-39 County, Dallas County, or Tarrant County that gives preference to
 2-40 criminal cases;

2-41 (B) by a judge of a criminal district court of
 2-42 Dallas County or Tarrant County;

2-43 (C) by a judge of a district court or statutory
 2-44 county court of Denton or Grayson County;

2-45 (D) by a judge of a district court or statutory
 2-46 county court that gives preference to criminal cases in Travis
 2-47 County;

2-48 (E) [~~(D)~~] by the El Paso Council of Judges;

2-49 (F) [~~(E)~~] by the Fort Bend County Commissioners
 2-50 Court;

2-51 (G) [~~(F)~~] by the Collin County Commissioners
 2-52 Court; or

2-53 (H) [~~(G)~~] under Subchapter JJ, Chapter 54,
 2-54 Government Code;

2-55 (9) a magistrate or associate judge appointed by a
 2-56 judge of a district court of Lubbock County, Nolan County, or Webb
 2-57 County;

2-58 (10) a county judge;

2-59 (11) a judge of:

2-60 (A) a statutory county court;

2-61 (B) a county criminal court; or

2-62 (C) a statutory probate court;

2-63 (12) an associate judge appointed by a judge of a
 2-64 statutory probate court under Chapter 54A, Government Code;

2-65 (13) a justice of the peace; and

2-66 (14) a mayor or recorder of a municipality or a judge
 2-67 of a municipal court.

2-68 SECTION 3. To the extent of any conflict, this Act prevails
 2-69 over another Act of the 89th Legislature, Regular Session, 2025,

3-1 relating to nonsubstantive additions to and corrections in enacted
3-2 codes.

3-3 SECTION 4. This Act takes effect immediately if it receives
3-4 a vote of two-thirds of all the members elected to each house, as
3-5 provided by Section 39, Article III, Texas Constitution. If this
3-6 Act does not receive the vote necessary for immediate effect, this
3-7 Act takes effect September 1, 2025.

3-8

* * * * *