

1-1 By: Huffman S.B. No. 664
1-2 (In the Senate - Filed December 19, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 3, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 3, 2025,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|----------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | <u>X</u> | | | |
| 1-10 | <u>X</u> | | | |
| 1-11 | <u>X</u> | | | |
| 1-12 | <u>X</u> | | | |
| 1-13 | <u>X</u> | | | |
| 1-14 | <u>X</u> | | | |
| 1-15 | <u>X</u> | | | |

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 664 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to qualifications, training, removal, and supervision of
1-20 certain masters, magistrates, referees, associate judges, and
1-21 hearing officers.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 54, Government Code, is amended by
1-24 adding Subchapter A to read as follows:

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 54.001. QUALIFICATIONS. (a) In addition to any other
1-27 qualification required by law, to be eligible for appointment as a
1-28 master, magistrate, referee, associate judge, or hearing officer
1-29 under this chapter, a person must:

1-30 (1) be a resident of this state and of the county in
1-31 which they are appointed;

1-32 (2) except as provided by Subsection (b), have been
1-33 licensed to practice law in this state and in good standing with the
1-34 State Bar of Texas for at least five years;

1-35 (3) not have been defeated for reelection to a
1-36 judicial office in the election immediately preceding the person's
1-37 appointment;

1-38 (4) not have been removed from office by impeachment,
1-39 the supreme court, the governor on address to the legislature, a
1-40 tribunal reviewing a recommendation of the State Commission on
1-41 Judicial Conduct, or the legislature's abolition of the judge's
1-42 court; and

1-43 (5) not have resigned from office after having
1-44 received notice the State Commission on Judicial Conduct had
1-45 instituted formal proceedings as provided by Section 33.022 and
1-46 before the final disposition of the proceedings.

1-47 (b) Notwithstanding Subsection (a)(2), to be eligible for
1-48 appointment as a master, magistrate, referee, associate judge, or
1-49 hearing officer under the following provisions of this chapter, a
1-50 person must have been licensed to practice law in this state and in
1-51 good standing with the State Bar of Texas for at least two years:

1-52 (1) Section 54.991;

1-53 (2) Section 54.1231;

1-54 (3) Section 54.1501;

1-55 (4) Section 54.1851;

1-56 (5) Section 54.2001;

1-57 (6) Section 54.2301; or

1-58 (7) Section 54.2802.

1-59 Sec. 54.002. REQUIRED TRAINING ON DUTIES REGARDING BAIL.
1-60 In addition to any other training required under this chapter, a

2-1 master, magistrate, referee, associate judge, or hearing officer
 2-2 appointed under this chapter whose duties include setting,
 2-3 adjusting, or revoking bail bonds shall comply with the training
 2-4 requirements under Article 17.024, Code of Criminal Procedure.

2-5 Sec. 54.003. SUSPENSION AND REMOVAL. (a) In addition to
 2-6 other removal provisions provided under this chapter or other law,
 2-7 a master, magistrate, referee, associate judge, or hearing officer
 2-8 appointed under this chapter may be removed under Section 24,
 2-9 Article V, Texas Constitution.

2-10 (b) The local administrative judge shall ensure a master,
 2-11 magistrate, referee, associate judge, or hearing officer appointed
 2-12 to serve a county within the jurisdiction of the court served by the
 2-13 local administrative judge complies with the requirements of this
 2-14 chapter and Article 15.17, Code of Criminal Procedure.

2-15 (c) A local administrative judge shall report a violation of
 2-16 Subsection (b) to:

2-17 (1) the commissioners court for the county in which
 2-18 the master, magistrate, referee, associate judge, or hearing
 2-19 officer is appointed;

2-20 (2) the presiding judge of the administrative judicial
 2-21 region for the court served by judge;

2-22 (3) the Office of Court Administration of the Texas
 2-23 Judicial System; and

2-24 (4) if the local administrative judge determines the
 2-25 referring court is culpable in the violation, the State Commission
 2-26 on Judicial Conduct.

2-27 SECTION 2. Section 54.1173, Government Code, is amended to
 2-28 read as follows:

2-29 Sec. 54.1173. QUALIFICATIONS. A magistrate must [+
 2-30 [~~(1)~~ be a citizen of this state,
 2-31 [~~(2)~~] be at least 25 years of age[, and
 2-32 [~~(3)~~ have been licensed to practice law in this state
 2-33 for at least four years preceding the date of appointment].

2-34 SECTION 3. Section 54.1353, Government Code, is amended to
 2-35 read as follows:

2-36 Sec. 54.1353. QUALIFICATIONS. To be eligible for
 2-37 appointment as a criminal law hearing officer under this
 2-38 subchapter, a person must:

2-39 (1) [~~be a resident of Cameron County,~~
 2-40 [~~(2)~~] be eligible to vote in this state and in Cameron
 2-41 County;

2-42 (2) [~~(3)~~] be at least 30 years of age;
 2-43 [~~(4)~~ be a licensed attorney with at least four years'
 2-44 experience,] and

2-45 (3) [~~(5)~~] have the other qualifications required by
 2-46 the board.

2-47 SECTION 4. Section 54.1501(b), Government Code, is amended
 2-48 to read as follows:

2-49 (b) The commissioners court shall establish the minimum
 2-50 qualifications, salary, benefits, and other compensation of each
 2-51 magistrate position and shall determine whether the position is
 2-52 full-time or part-time. [~~The qualifications must require the
 2-53 magistrate to:~~

2-54 [~~(1)~~ have served as a justice of the peace or municipal
 2-55 court judge, or

2-56 [~~(2)~~ be an attorney licensed in this state.]

2-57 SECTION 5. Section 54.1851(b), Government Code, is amended
 2-58 to read as follows:

2-59 (b) The commissioners court shall establish the minimum
 2-60 qualifications, salary, benefits, and other compensation of each
 2-61 magistrate position and shall determine whether the position is
 2-62 full-time or part-time. [~~The qualifications must require the
 2-63 magistrate to have served as a justice of the peace or be an
 2-64 attorney licensed in this state.]~~

2-65 SECTION 6. Section 54.1953, Government Code, is amended to
 2-66 read as follows:

2-67 Sec. 54.1953. QUALIFICATIONS. A magistrate must [+
 2-68 [~~(1)~~ be a citizen of this state,
 2-69 [~~(2)~~] have resided in the county for at least six

3-1 months before the date of the appointment [~~and~~
 3-2 [~~(3) have:~~
 3-3 [~~(A) served as a justice of the peace for at least~~
 3-4 ~~four years before the date of appointment; or~~
 3-5 [~~(B) been licensed to practice law in this state~~
 3-6 ~~for at least four years before the date of appointment].~~

3-7 SECTION 7. Section 54.2202(a), Government Code, is amended
 3-8 to read as follows:

3-9 (a) To be eligible for appointment as a magistrate, a person
 3-10 must:

- 3-11 (1) be a citizen of the United States; and
- 3-12 (2) have resided in Collin County for at least the four
- 3-13 years preceding the person's appointment [~~and~~
- 3-14 [~~(3) have been licensed to practice law in this state~~
- 3-15 ~~for at least four years].~~

3-16 SECTION 8. Section 54.2402(a), Government Code, is amended
 3-17 to read as follows:

3-18 (a) To be eligible for appointment as a magistrate, a person
 3-19 must:

- 3-20 (1) be a citizen of the United States; and
- 3-21 (2) have resided in Fort Bend County ~~for~~ at least the
- 3-22 four years preceding the person's appointment [~~and~~
- 3-23 [~~(3) have been licensed to practice law in this state~~
- 3-24 ~~for at least four years].~~

3-25 SECTION 9. The heading to Section 54.2702, Government Code,
 3-26 is amended to read as follows:

3-27 Sec. 54.2702. [~~QUALIFICATIONS;~~] OATH OF OFFICE.

3-28 SECTION 10. Section 54.2802(a), Government Code, is amended
 3-29 to read as follows:

3-30 (a) The district court judges with jurisdiction in Denton
 3-31 County and the judges of the criminal statutory county courts of
 3-32 Denton County shall appoint one or more judges to preside over the
 3-33 criminal law magistrate court. An appointed judge must:

- 3-34 (1) serve Denton County as a district court judge, a
- 3-35 criminal statutory county court judge, an associate judge of a
- 3-36 court with criminal jurisdiction, a magistrate, including a jail
- 3-37 magistrate, a judge of a municipal court of record, or a justice of
- 3-38 the peace;
- 3-39 (2) [~~be a licensed attorney in good standing with the~~
- 3-40 ~~State Bar of Texas;~~
- 3-41 [~~(3)~~] be authorized to access criminal history records
- 3-42 under state and federal law;
- 3-43 (3) [~~(4)~~] have completed training necessary to serve
- 3-44 as a magistrate in Denton County, as determined by the district
- 3-45 court judges with jurisdiction in Denton County and the judges of
- 3-46 the criminal statutory county courts of Denton County; and
- 3-47 (4) [~~(5)~~] meet the qualifications under Section
- 3-48 54.2807.

3-49 SECTION 11. Section 54.2807, Government Code, is amended to
 3-50 read as follows:

3-51 Sec. 54.2807. QUALIFICATIONS. To be eligible for
 3-52 appointment as the criminal law magistrate court associate judge, a
 3-53 jail magistrate, or another magistrate in the criminal law
 3-54 magistrate court, a person must ~~+~~

- 3-55 [~~(1)~~] have been a resident of Denton County for at
- 3-56 least two years preceding the person's appointment [~~and~~
- 3-57 [~~(2) have been licensed to practice law in this state~~
- 3-58 ~~for at least four years].~~

3-59 SECTION 12. Section 54A.003, Government Code, is amended to
 3-60 read as follows:

3-61 Sec. 54A.003. QUALIFICATIONS. To qualify for appointment
 3-62 as an associate judge under this subchapter, a person must:

- 3-63 (1) be a resident of this state and one of the counties
- 3-64 the person will serve;
- 3-65 (2) have been licensed to practice law in this state
- 3-66 for at least five [~~four~~] years;
- 3-67 (3) not have been removed from office by impeachment,
- 3-68 by the supreme court, by the governor on address to the legislature,
- 3-69 by a tribunal reviewing a recommendation of the State Commission on

4-1 Judicial Conduct, or by the legislature's abolition of the judge's
4-2 court; and

4-3 (4) not have resigned from office after having
4-4 received notice that formal proceedings by the State Commission on
4-5 Judicial Conduct had been instituted as provided by Section 33.022
4-6 and before final disposition of the proceedings.

4-7 SECTION 13. Section 54A.103, Government Code, is amended to
4-8 read as follows:

4-9 Sec. 54A.103. QUALIFICATIONS. To qualify for appointment
4-10 as an associate judge under this subchapter, a person must:

4-11 (1) be a resident of this state and one of the counties
4-12 the person will serve;

4-13 (2) have been licensed to practice law in this state
4-14 for at least five [~~four~~] years;

4-15 (3) not have been removed from office by impeachment,
4-16 by the supreme court, by the governor on address to the legislature,
4-17 by a tribunal reviewing a recommendation of the State Commission on
4-18 Judicial Conduct, or by the legislature's abolition of the judge's
4-19 court; and

4-20 (4) not have resigned from office after having
4-21 received notice that formal proceedings by the State Commission on
4-22 Judicial Conduct had been instituted as provided in Section 33.022
4-23 and before final disposition of the proceedings.

4-24 SECTION 14. Section 54A.305(a), Government Code, is amended
4-25 to read as follows:

4-26 (a) To be eligible for appointment as an associate judge
4-27 under this subchapter, a person must:

4-28 (1) be a citizen of the United States;

4-29 (2) be a resident of this state for the two years
4-30 preceding the date of appointment; and

4-31 (3) be:
4-32 (A) eligible for assignment under Section 74.054

4-33 because the person is named on the list of retired and former judges
4-34 maintained by the presiding judge of the administrative judicial
4-35 region under Section 74.055;

4-36 (B) eligible for assignment under Section
4-37 25.0022 by the presiding judge of the statutory probate courts; or

4-38 (C) licensed to practice law in this state for at
4-39 least five years and have at least four years of experience in
4-40 guardianship proceedings or protective services proceedings before
4-41 the date of appointment as a practicing attorney in this state or a
4-42 judge of a court in this state.

4-43 SECTION 15. Section 74.092(a), Government Code, is amended
4-44 to read as follows:

4-45 (a) A local administrative judge, for the courts for which
4-46 the judge serves as local administrative judge, shall:

4-47 (1) implement and execute the local rules of
4-48 administration, including the assignment, docketing, transfer, and
4-49 hearing of cases;

4-50 (2) appoint any special or standing committees
4-51 necessary or desirable for court management and administration;

4-52 (3) promulgate local rules of administration if the
4-53 other judges do not act by a majority vote;

4-54 (4) recommend to the regional presiding judge any
4-55 needs for assignment from outside the county to dispose of court
4-56 caseloads;

4-57 (5) supervise the expeditious movement of court
4-58 caseloads, subject to local, regional, and state rules of
4-59 administration;

4-60 (6) provide the supreme court and the office of court
4-61 administration requested statistical and management information;

4-62 (7) set the hours and places for holding court in the
4-63 county;

4-64 (8) supervise the employment and performance of
4-65 nonjudicial personnel;

4-66 (8-a) supervise the performance of each master,
4-67 magistrate, referee, associate judge, or hearing officer who was
4-68 appointed under Chapter 54 to serve a court for which the judge
4-69 serves as a local administrative judge and whose duties include

5-1 duties under Article 15.17, Code of Criminal Procedure;
5-2 (9) supervise the budget and fiscal matters of the
5-3 local courts, subject to local rules of administration;
5-4 (10) coordinate and cooperate with any other local
5-5 administrative judge in the district in the assignment of cases in
5-6 the courts' concurrent jurisdiction for the efficient operation of
5-7 the court system and the effective administration of justice;
5-8 (11) if requested by the courts the judge serves,
5-9 establish and maintain the lists required by Section 37.003 and
5-10 ensure appointments are made from the lists in accordance with
5-11 Section 37.004;
5-12 (12) perform other duties as may be directed by the
5-13 chief justice or a regional presiding judge; and
5-14 (13) establish a court security committee to adopt
5-15 security policies and procedures for the courts served by the local
5-16 administrative district judge that is composed of:
5-17 (A) the local administrative district judge, or
5-18 the judge's designee, who serves as presiding officer of the
5-19 committee;
5-20 (B) a representative of the sheriff's office;
5-21 (C) a representative of the county commissioners
5-22 court;
5-23 (D) one judge of each type of court in the county
5-24 other than a municipal court or a municipal court of record;
5-25 (E) a representative of any county attorney's
5-26 office, district attorney's office, or criminal district attorney's
5-27 office that serves in the applicable courts; and
5-28 (F) any other person the committee determines
5-29 necessary to assist the committee.
5-30 SECTION 16. The following provisions of the Government Code
5-31 are repealed:
5-32 (1) Section 54.302;
5-33 (2) Section 54.652;
5-34 (3) Section 54.802;
5-35 (4) Section 54.853;
5-36 (5) Section 54.872;
5-37 (6) Section 54.902;
5-38 (7) Section 54.972;
5-39 (8) Section 54.992;
5-40 (9) Section 54.1804;
5-41 (10) Section 54.2602; and
5-42 (11) Section 54.2702(a).
5-43 SECTION 17. The changes in law made by this Act apply only
5-44 to a master, magistrate, referee, associate judge, or hearing
5-45 officer appointed under Chapter 54 or 54A, Government Code, as
5-46 amended by this Act, on or after the effective date of this Act. A
5-47 master, magistrate, referee, associate judge, or hearing officer
5-48 appointed before the effective date of this Act is governed by the
5-49 law in effect on the date the master, magistrate, referee,
5-50 associate judge, or hearing officer was appointed, and the former
5-51 law is continued in effect for that purpose.
5-52 SECTION 18. This Act takes effect September 1, 2025.

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