

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE D. JUDICIAL PERSONNEL AND OFFICIALS

CHAPTER 54. MASTERS; MAGISTRATES; REFEREES; ASSOCIATE JUDGES

SUBCHAPTER B. BELL COUNTY TRUANCY MASTERS

Sec. 54.101. APPOINTMENT. (a) The Commissioners Court of Bell County may select masters to serve the justice courts of Bell County having jurisdiction in truancy matters.

(b) The commissioners court shall establish the minimum qualifications, salary, benefits, and other compensation of each master position and shall determine whether the position is full-time or part-time.

(c) A master appointed under this section serves at the pleasure of the commissioners court.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 9.002, eff. September 1, 2021.

Sec. 54.102. JURISDICTION. A master appointed under this subchapter has concurrent jurisdiction with the judges of the justice of the peace courts of Bell County over cases involving truant conduct in accordance with Section 65.004, Family Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

Sec. 54.103. POWERS AND DUTIES. (a) The Commissioners Court of Bell County shall establish the powers and duties of a master appointed under this subchapter.

(b) An order of referral may limit the use or power of a

master.

(c) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(d) A master may administer oaths.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

Sec. 54.104. JUDICIAL IMMUNITY. A master has the same judicial immunity as a district judge.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

Sec. 54.105. TRAINING. A master appointed under this subchapter must successfully complete all training a justice of the peace is required to complete under state law.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

Sec. 54.106. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an attorney, party, witness, or any other person fails to comply with a summons or order, the master may certify that failure in writing to the referring court for appropriate action.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

Sec. 54.107. WITNESSES. (a) A witness appearing before a master is subject to the penalties of perjury as provided by Chapter

37, Penal Code.

(b) A witness referred to the court under Section 54.106 is subject to the same penalties and orders that may be imposed on a witness appearing in a hearing before the court.

Added by Acts 2019, 86th Leg., R.S., Ch. 355 (H.B. 452), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.03, eff. September 1, 2019.

SUBCHAPTER D. CRIMINAL LAW MAGISTRATES IN DALLAS COUNTY

Sec. 54.301. APPOINTMENT. (a) Each judge of a district court of Dallas County that gives preference to criminal cases, each judge of a criminal district court of Dallas County, and each judge of a county criminal court of Dallas County, with the consent and approval of the Commissioners Court of Dallas County, may appoint a magistrate to perform the duties authorized by this subchapter.

(b) Judges may authorize one or more magistrates to share service with more than one court.

(c) If a magistrate serves more than one court, the magistrate's appointment must be made with the unanimous approval of all the judges under whom the magistrate serves.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 215, Sec. 1, eff. May 23, 1997.

Sec. 54.302. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

- (1) be a resident of this state; and
- (2) have been licensed to practice law in this state

for at least four years.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.303. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Dallas County.

(b) The salary may not be less than the salary authorized to be paid to a master for family law cases appointed under Subchapter

A.

(c) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.304. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.305. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.306. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any matter arising out of a criminal case involving:

(1) a negotiated plea of guilty or nolo contendere before the court;

(2) a bond forfeiture;

(3) a pretrial motion;

(4) a postconviction writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) an appeal of an administrative driver's license revocation hearing; and

(8) any other matter the judge considers necessary and proper.

(b) The magistrate may not preside over a trial on the merits, whether or not the trial is before a jury.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 215, Sec. 2, eff. May 23, 1997; Acts 1999, 76th Leg., ch. 811, Sec. 1, eff. Sept. 1, 1999.

Sec. 54.307. ORDER OF REFERRAL. (a) To refer one or more

cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.308. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing; and

(13) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may not enter a ruling on any issue of law

or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the magistrate may make findings, conclusions, and recommendations on those issues.

(c) Except as limited by an order of referral, a magistrate who is appointed by a district court judge and to whom a case is referred may accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court. The magistrate shall forward any fee or fine collected for the misdemeanor offense to the county clerk.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1987, 70th Leg., ch. 522, Sec. 1, eff. June 17, 1987; Acts 1997, 75th Leg., ch. 215, Sec. 3, eff. May 23, 1997.

Sec. 54.309. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985. Amended by Acts 1997, 75th Leg., ch. 215, Sec. 4, eff. May 23, 1997.

Sec. 54.310. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.311. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

Sec. 54.312. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further

information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.

SUBCHAPTER H. CRIMINAL LAW MAGISTRATES IN TARRANT COUNTY

Sec. 54.651. APPOINTMENT. (a) The judges of the district courts of Tarrant County that give preference to criminal cases, the judges of the criminal district courts of Tarrant County, and the judges of the county criminal courts of Tarrant County, with the consent and approval of the Commissioners Court of Tarrant County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of judges described in Subsection (a), each magistrate shall serve equally in the courts of those judges.

(d) A magistrate appointed under this subchapter may not engage in the private practice of law, as defined by Section [81.101](#), in Tarrant County.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Amended by Acts 1997, 75th Leg., ch. 1147, Sec. 1, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 910, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.007, eff. September 1, 2023.

Sec. 54.652. QUALIFICATIONS. To be eligible for

appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.653. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the Commissioners Court of Tarrant County.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.05, eff. September 1, 2021.

(c) The salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. The per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. The judges of the courts trying criminal cases in Tarrant County shall approve the number of hours for which a part-time magistrate is to be paid.

(d) A magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1045 (H.B. 1904), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1121 (H.B. 2384), Sec. 12, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.05, eff. September 1, 2021.

Sec. 54.654. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.655. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Sec. 54.656. PROCEEDING THAT MAY BE REFERRED.

Text of subsection effective until January 01, 2025

(a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or nolo contendere and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the referring judge considers necessary and proper.

Text of subsection effective on January 01, 2025

(a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or nolo contendere and sentencing before the court;

(2) a bond forfeiture, remittitur, and related

proceedings;

- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55A, Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
- (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
- (10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;
- (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (12) specialty court proceedings;
- (13) a waiver of extradition; and
- (14) any other matter the referring judge considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) A magistrate may select a jury. A magistrate may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A magistrate may not hear a jury trial on the merits of a bond forfeiture.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.
Amended by Acts 1997, 75th Leg., ch. 1147, Sec. 2, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 910, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 66 (S.B. 483), Sec. 1, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 17, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 1045 (H.B. 1904), Sec. 2, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.070, eff. January 1, 2025.

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.008, eff. September 1, 2023.

Sec. 54.657. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.658. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on a pretrial motion;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (14) select a jury;
- (15) accept a negotiated plea on a probation revocation;
- (16) conduct a contested probation revocation hearing;
- (17) sign a dismissal in a misdemeanor case;
- (18) in any case referred under Section [54.656\(a\)\(1\)](#), accept a negotiated plea of guilty or no contest and:
 - (A) enter a finding of guilt and impose or suspend the sentence; or
 - (B) defer adjudication of guilt; and
- (19) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section [12.45](#), Penal Code.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate does not have authority under Article [18.01\(c\)](#), Code of Criminal Procedure, to issue a subsequent search warrant under Article [18.02\(a\)\(10\)](#), Code of Criminal Procedure.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.
Amended by Acts 2003, 78th Leg., ch. 910, Sec. 3, eff. Sept. 1,

2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 66 (S.B. 483), Sec. 2, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 1045 (H.B. 1904), Sec. 3, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 8.001, eff. September 1, 2019.

Sec. 54.6585. CLERK. (a) The district clerk serves as clerk of the cases referred to a magistrate under this subchapter, except:

(1) the county clerk serves as clerk for a Class A or Class B misdemeanor case filed in a county criminal court and referred to a magistrate; and

(2) the originating justice court clerk serves as clerk for a Class C misdemeanor case filed in a justice court and referred to a magistrate.

(b) The district clerk shall establish a docket and keep the minutes for the cases referred to a magistrate under this subchapter. To facilitate the duties associated with serving as the clerk for the cases referred to a magistrate, the district clerk and deputy district clerks may serve as deputy county clerks and deputy justice clerks at the discretion of the district clerk.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.009, eff. September 1, 2023.

Sec. 54.659. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Amended by Acts 1997, 75th Leg., ch. 1147, Sec. 3, eff. Sept. 1, 1997.

Sec. 54.660. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.661. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

Sec. 54.662. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 1987, 70th Leg., ch. 81, Sec. 1, eff. Aug. 31, 1987.

SUBCHAPTER J. EL PASO CRIMINAL LAW MAGISTRATE COURT

Sec. 54.731. SHORT TITLE. This subchapter may be cited as the El Paso Criminal Law Magistrates Act.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.732. CREATION. The El Paso Criminal Law Magistrate Court is a court having the jurisdiction provided by this subchapter over offenses allegedly committed in El Paso County.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(a), eff. September 1, 2015.

Sec. 54.733. JURISDICTION. (a) Except as provided by Subsection (b), the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for county courts.

(b) The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a misdemeanor offense, other than a Class C misdemeanor, on the merits if a jury trial is demanded; or

(2) hear a trial of a misdemeanor, other than a Class C misdemeanor, on the merits if a defendant pleads not guilty.

Text of subsection effective until January 01, 2025

(c) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as that term is defined by Section [2.09](#), Code of Criminal Procedure.

Text of subsection effective on January 01, 2025

(c) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as defined by Article [2A.151](#), Code of Criminal Procedure.

(d) Except as provided by Subsection (e), the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of the state for a district court.

(e) The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a felony offense on the merits if a jury trial is demanded;

(2) hear a trial of a felony offense on the merits if a defendant pleads not guilty;

(3) sentence in a felony case unless the judge in whose

court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence; or

(4) hear any part of a capital murder case after indictment.

(f) A criminal law magistrate court may not issue writs of habeas corpus in felony cases but may hear and grant relief on a writ of habeas corpus that is issued by a district court and that is assigned by the district court to the criminal law magistrate court.

(g) A felony or misdemeanor indictment may not be filed in or transferred to the criminal law magistrate court.

(h) A felony or misdemeanor information may not be filed in or transferred to the criminal law magistrate court.

(i) A judge of the criminal law magistrate court shall exercise jurisdiction granted by this subchapter over felony and misdemeanor indictments and informations only as judge presiding for the court in which the indictment or information is pending and under the limitations set out in the assignment order by the assigning court or as provided by local administrative rules.

(j) The criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in El Paso County.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(b), eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 2.071, eff. January 1, 2025.

Sec. 54.734. TERM OF COURT. The criminal law magistrate court has two terms of court beginning on the first Mondays in January and July.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.735. POWERS AND DUTIES. (a) The criminal law

magistrate court or a judge of the criminal law magistrate court may issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and may issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county. The court and the judge may punish for contempt as provided by law for district courts. A judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

(1) justices of the peace when acting in a Class C misdemeanor case;

(2) county court judges when acting in a Class A or Class B misdemeanor case; and

(3) district court judges when acting in a felony case.

(b) A judge of the criminal law magistrate court may hold an indigency hearing and a capias pro fine hearing. When acting as the judge who issued the capias pro fine, a judge of the criminal law magistrate court may make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. In conducting a hearing under this subsection, the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(c), eff. September 1, 2015.

Sec. 54.736. COUNCIL OF JUDGES. (a) The El Paso Council of Judges is composed of the judges of the district courts of El Paso County and the judges of the county courts at law of El Paso County.

(b) The council of judges shall ensure that the criminal law

magistrate court gives preference to magistrate duties, as those duties apply to the county jail inmate population first and then to newly detained individuals, until the commissioners court provides funds for more than one judge to sit on the criminal law magistrate court.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(d), eff. September 1, 2015.

Sec. 54.737. ADMINISTRATIVE RULES. (a) The El Paso Council of Judges by majority vote shall include in the local rules of administration adopted as provided by Subchapter [D](#), Chapter [74](#), rules for the administration of the criminal law magistrate court.

(b) The rules may provide for:

(1) assignment and hearing of all criminal cases subject to the jurisdictional limitations of the criminal law magistrate court;

(2) designation of a particular judge of the criminal law magistrate court to be responsible for certain matters;

(3) fair and equitable division of caseloads of criminal cases of the judges of the council of judges and the criminal law magistrate court;

(4) limitations on the assignment of cases to the criminal law magistrate court;

(5) limitations on the powers of a judge of the criminal law magistrate court in regard to the exercise of jurisdiction when presiding for an assigning court;

(6) setting hours, days, and places for holding court by a judge of the criminal law magistrate court; and

(7) any other matter necessary to carry out this subchapter or to improve the administration and management of the court system and its auxiliary services.

(c) The rules must provide that a criminal law magistrate judge may only release a defendant under Article [17.031](#), Code of Criminal Procedure, under guidelines established by the council of

judges.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(e), eff. September 1, 2015.

Sec. 54.738. TRANSFER AND ASSIGNMENT OF CASES. (a) Except as provided by Subsection (b) or local administrative rules, the local administrative judge or a judge of the criminal law magistrate court may transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

- (1) an unindicted felony case;
- (2) a Class A or Class B misdemeanor case if an information has not been filed; or
- (3) a Class C misdemeanor case.

(b) A case may not be transferred from or to the magistrate docket of a judge on the El Paso Council of Judges without the consent of the judge of the court to which it is transferred.

(c) Except as provided by Subsection (d) or local administrative rules, the local administrative judge may assign a judge on the council of judges, a judge of the criminal law magistrate court, a retired judge, or any other magistrate to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

- (1) an unindicted felony case;
- (2) a Class A or Class B misdemeanor case if an information has not been filed; or
- (3) a Class C misdemeanor case.

(d) A case may not be assigned to a judge on the council of judges without the assigned judge's consent.

(e) This section applies only to the district courts, county courts at law, justice courts, and municipal courts in the county.

(f) The local administrative judge may delegate or the local administrative rules may provide for the delegation of the power to

transfer or assign cases to any other judge on the council of judges.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(f), eff. September 1, 2015.

Sec. 54.739. ORDER OF ASSIGNMENT. (a) Cases may be assigned by local administrative rules, by a blanket written order, or on a case-by-case basis. Each district court and county court at law may use any of the methods to assign cases to the criminal law magistrate court.

(b) The local administrative rules, a blanket order of assignment, or a specific order of assignment may limit the powers of a criminal law magistrate court or a judge of that court.

(c) Unless limited as provided by Subsection (b), the criminal law magistrate court and a judge of that court may perform all acts and take all measures necessary and proper to exercise the jurisdiction granted in this subchapter in relation to a case assigned under this subchapter.

(d) A case assigned under this subchapter to the criminal law magistrate court from a district court, a county court at law, or a justice court remains on the docket of the assigning court and in the assigning court's jurisdiction.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(g), eff. September 1, 2015.

Sec. 54.740. EFFECT OF TRANSFER. When a case is transferred from one court to another as provided by this subchapter, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the case is transferred as if originally issued by that court. The obligees in all bonds and recognizances taken in a case that is

transferred and all witnesses summoned to appear in a court from which a case is transferred are required to appear before the court to which the case is transferred as if the processes or obligations were originally issued by the court to which the transfer is made. Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.741. FORFEITURES. Bail bonds and personal bonds may be forfeited by the criminal law magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. 1139), Sec. 6.01(h), eff. September 1, 2015.

Sec. 54.742. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed, transferred to, or assigned to the criminal law magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the criminal law magistrate court that are charged in the county courts.

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the criminal law magistrate court that are charged in the justice courts.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28,

1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(i), eff. September 1, 2015.

Sec. 54.743. OBJECTION TO JUDGE. (a) If after indictment, the defendant or the state files a timely objection to the assignment of a first-degree felony to the criminal law magistrate court, the judge is disqualified to hear the case.

(b) If after indictment the defendant or the state files a timely objection to a particular judge on the criminal law magistrate court hearing a first-degree felony assigned to that court, that judge is disqualified to hear the case.

(c) An objection under this section must be filed before the first hearing or trial, including pretrial hearings, in which the assigned judge is to preside.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.744. JUDGES ON EL PASO COUNCIL OF JUDGES. Unless the local rules of administration provide otherwise, the judges on the El Paso Council of Judges and the judges on the criminal law magistrate court may sit and act for any magistrate in El Paso County on any unindicted felony or Class A or B misdemeanor case if an information has not been filed or any Class C misdemeanor case filed in a justice court.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(j), eff. September 1, 2015.

Sec. 54.745. PRETRIAL DIVERSION. (a) As a condition for a defendant to enter any pretrial diversion program, including a behavioral modification program, a health care program, a specialty court program, or the functional equivalent that may be operated in El Paso County by El Paso County, Emergence Health Network, the City

of El Paso, the West Texas Regional Adult Probation Department, a community partner approved by the council of judges, or a county or district attorney of El Paso County, a defendant must file in the court in which the charges are pending a sworn waiver of speedy trial motion requesting the court to approve without a hearing defendant's waiver of his speedy trial rights under the constitution and other law. If the court approves the waiver, the defendant is eligible for consideration for acceptance into a pretrial diversion program or equivalent program.

(b) Repealed by Acts 2019, 86th Leg., Ch. 1352 (S.B. 346), Sec. 4.40(9), eff. January 1, 2020.

(c) Repealed by Acts 2019, 86th Leg., Ch. 1352 (S.B. 346), Sec. 4.40(9), eff. January 1, 2020.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. 1139), Sec. 6.01(k), eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 4.40(9), eff. January 1, 2020.

Sec. 54.746. JURISDICTION OF JUDGES ON EL PASO COUNCIL OF JUDGES. (a) In addition to jurisdiction conferred by other law, each district court and county court at law in El Paso County has the same jurisdiction given to the criminal law magistrate court by this subchapter.

(b) A misdemeanor information may not be filed in a district court under the grant of jurisdiction in Subsection (a).

(c) A felony indictment or information may not be filed in a county court at law under the grant of jurisdiction in Subsection (a).

(d) A judge of a county court at law in El Paso County shall exercise jurisdiction granted by Subsection (a) over felony indictments and felony informations and justice court cases only as a judge presiding for the court in which the felony or Class C misdemeanor is pending and only if the El Paso Council of Judges has so provided in the local administrative rules by a unanimous

vote. The exercise of this jurisdiction outside El Paso County is as provided by Chapter 74 and other law.

(e) A judge of a district court in El Paso County shall exercise jurisdiction granted by Subsection (a) over misdemeanor information and justice court cases only as a judge presiding for the court in which the misdemeanor is pending and only if the council of judges has so provided in the local administrative rules by a unanimous vote. The exercise of this jurisdiction outside El Paso County is as provided by the Court Administration Act (Chapter 74) and other law.

(f) This subchapter does not grant jurisdiction over misdemeanors involving official misconduct to any court, and all those cases remain in the original jurisdiction of the district courts as provided by law.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. 1139), Sec. 6.01(1), eff. September 1, 2015.

Sec. 54.747. JUDGE. (a) The criminal law magistrate court is presided over by one or more judges appointed by a two-thirds vote of all the district court and county court at law judges. A criminal law magistrate court judge serves for a one-year term beginning on the date of appointment.

(b) To be eligible for appointment as a judge of the criminal law magistrate court, a person must meet all the requirements and qualifications to serve as a district court judge.

(c) If there is more than one criminal law magistrate court judge, the council of judges may appoint one of the judges to be the presiding criminal law magistrate court judge.

(d) The order appointing a judge of the criminal law magistrate court must be signed by two-thirds of the judges on the El Paso Council of Judges and shall be entered in the minutes of each district court and county court at law. The order must state the judge's name, state bar identification number, and the date the appointment takes effect.

(e) The council of judges may withdraw a judge's appointment to the criminal law magistrate court by a majority vote of all the judges on the council of judges. The order must be signed by the local administrative judge and shall be entered in the minutes of each district court and county court at law. The order must state the judge's name, state bar identification number, and the date the order of withdrawal takes effect.

(f) Any judge on the council of judges may withdraw that judge's consent for a judge or judges of the criminal law magistrate court to act for that judge under this subchapter. The order withdrawing consent to act must state the name of the judge who may not act, the judge's state bar identification number, and the date the withdrawal of consent takes effect.

(g) A judge of the criminal law magistrate court is entitled to the salary determined by the commissioners court. The salary may not be less than the salary authorized to be paid to a family law master appointed for El Paso County.

(h) Except as provided for in Subsection (i), the council of judges may only appoint the number of judges for which the commissioners court by order provides compensation in the county budget.

(i) The council of judges may appoint any number of judges who agree to serve on the criminal law magistrate court as part-time or as full-time judges without compensation.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.748. OATH OF OFFICE. The judges of the criminal law magistrate court must take the constitutional oath of office prescribed for appointed officers.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.749. JUDICIAL IMMUNITY. The judges of the criminal law magistrate court and the judges of the county courts at law have the same judicial immunity as a district judge.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28,

1989.

Sec. 54.750. EXCHANGE OF BENCHES. (a) The judges of the criminal law magistrate court may exchange benches and may sit and act for each other in any proceeding pending in the criminal law magistrate court.

(b) Except as provided by Subsection (c), the judges of the criminal law magistrate court may exchange benches and may sit and act for each other in any proceeding assigned to them under this subchapter if a felony or misdemeanor indictment has been filed or a felony or misdemeanor information has been filed.

(c) Any court that assigns an indicted case or a case in which an information has been filed under this subchapter to the criminal law magistrate court may provide in the assignment order or the local administrative rules may provide that only the judge who is named in the assignment order may act on the case and that another judge of the criminal law magistrate court may not exchange benches with or sit for the judge named in the assignment order or local administrative rules.

(d) When conducting a *capias pro fine* hearing for any court, the criminal law magistrate court acts in the same capacity and with the same authority as the judge who issued the *capias pro fine*.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(m), eff. September 1, 2015.

Sec. 54.751. SPECIAL JUDGE. (a) If a full-time compensated judge of the criminal law magistrate court is absent or is from any cause disabled or disqualified from presiding, a special judge may be appointed in the manner provided by this subchapter for the appointment of a judge of the criminal law magistrate court.

(b) A special judge shall take the oath of office that is required by law for the regular judge and has all the power and jurisdiction of the court and of the regular judge for whom he is sitting. A special judge may sign orders, judgments, decrees, or

other process of any kind as "Judge Presiding" when acting for the regular judge.

(c) A special judge is entitled to receive for the services actually performed the same amount of compensation that the regular judge is entitled to receive for the services. The compensation shall be paid out of county funds. None of the amount paid to a special judge for sitting for the regular judge may be deducted or paid out of the salary of the regular judge.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.753. CLERK. (a) The district clerk serves as clerk of the criminal law magistrate court, except that:

(1) after a Class A or Class B misdemeanor information is filed in the county court at law and assigned to the criminal law magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the criminal law magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the criminal law magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the criminal law magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a criminal law magistrate court acted.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(n), eff. September 1, 2015.

Sec. 54.754. SHERIFF. (a) The county sheriff, either in person or by deputy, shall attend the criminal law magistrate court as required by a judge of that court.

(b) Unless the local administrative rules provide otherwise, the county sheriff, either in person or by deputy, shall attend court proceedings heard by El Paso family law masters as required by a family law master.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.755. COURT REPORTER. Each judge of the criminal law magistrate court shall appoint an official shorthand reporter to serve that judge. Those official shorthand reporters must be well skilled in their profession. Such a reporter is a sworn officer of the court who holds office at the pleasure of the court.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.756. FAMILY LAW MASTER. (a) An El Paso family law master may be appointed as a judge of the criminal law magistrate court and continue as a family law master.

(b) A family law master may not be appointed as a judge of the criminal law magistrate court unless the family law master agrees to the appointment.

(c) A family law master appointed to serve as a judge of the criminal law magistrate court is not entitled to receive additional compensation for serving as a judge of that court unless the commissioners court provides additional compensation.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.757. JUDGE OF CRIMINAL LAW MAGISTRATE COURT. (a) A judge of the criminal law magistrate court may be appointed as a

family law master and continue as a judge of the criminal law magistrate court.

(b) A judge of the criminal law magistrate court may not be appointed as a family law master unless the judge agrees to the appointment.

(c) A judge of the criminal law magistrate court appointed to serve as a family law master is not entitled to receive additional compensation for serving as a family law master unless the commissioners court provides additional compensation.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.758. MAGISTRATES MAY BE APPOINTED. (a) Any magistrate in El Paso County may be appointed as a judge of the criminal law magistrate court or as a family law master, or both, and continue as a judge or justice of another court.

(b) A magistrate may not be appointed under Subsection (a) unless the magistrate agrees to the appointment.

(c) A magistrate appointed under Subsection (a) is not entitled to receive additional compensation unless the commissioners court provides additional compensation.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.759. LOCATION OF COURT. (a) The criminal law magistrate court may be held at one or more locations provided by the local administrative rules or ordered by the local administrative judge.

(b) A defendant may be brought before the court in person or by means of an electronic broadcast system through which an image of the defendant is presented to the court. For purposes of this subsection, "electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.01(o), eff. September 1, 2015.

Sec. 54.760. COURT SEAL. The seal of the criminal law magistrate court shall be the same as that provided by law for county courts, except that the seal must contain the words "El Paso Criminal Law Magistrate Court." The seal shall be judicially noticed.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.761. INACTIVE COURT. (a) If in the opinion of a majority of the judges of the El Paso Council of Judges the criminal law magistrate court should not continue in active operation after it is created, then by an order or orders signed by the local administrative judge all pending cases on the active docket of the criminal law magistrate court shall be transferred to the court or courts of other magistrates that have potential jurisdiction over the cases transferred.

(b) The local administrative judge shall select the courts to which the cases are transferred under Subsection (a).

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.762. JURISDICTION NOT DIMINISHED. This subchapter does not diminish the jurisdiction granted by the constitution and laws of this state to any court named in this subchapter.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

Sec. 54.763. TRANSFER UNDER CODE OF CRIMINAL PROCEDURE. This subchapter does not prevent a district court from transferring misdemeanor indictments to an inferior court as provided by Chapter [21](#), Code of Criminal Procedure, notwithstanding the grant of misdemeanor jurisdiction to the district courts by this subchapter.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.32(a), eff. Aug. 28, 1989.

SUBCHAPTER K. JUVENILE COURT MASTERS IN HARRIS COUNTY

Sec. 54.801. APPOINTMENT. (a) A majority of the judges of the courts that are designated as juvenile courts in Harris County may determine that one or more full-time or part-time masters are needed to serve those courts.

(b) The judges shall issue an order reflecting that determination and specifying the number of masters needed.

(c) Subject to the determination of need and the approval of the commissioners court of Harris County, each judge may appoint one or more masters to serve the judge's court.

(d) Judges may act together to appoint a master to serve their courts.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.802. QUALIFICATIONS. A master must:

(1) be a citizen and resident of this state; and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.803. ORDER OF APPOINTMENT. The order appointing a master must be entered in the minutes of each court making the order and state:

(1) the master's name and state bar identification number;

(2) the name of each court the master will serve; and

(3) the date the master's service is to begin.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.804. COMPENSATION. The commissioners court shall set the compensation for masters and determine the total amount the county will pay as compensation for masters.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.805. JUDICIAL IMMUNITY. A master appointed under this subchapter has the same judicial immunity as a district judge. Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.806. TERMINATION OF EMPLOYMENT. (a) A master who serves a single court serves at the will of the judge of that court.

(b) The employment of a master who serves two courts may be terminated by either of the judges of those courts.

(c) The employment of a master who serves more than two courts may be terminated by a majority of the judges of those courts.

(d) To terminate a master's employment, the appropriate judges must sign a written order of termination. The order must state:

- (1) the master's name and state bar identification number;
- (2) each court ordering termination; and
- (3) the date the master's employment ends.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.807. WITHDRAWAL OF APPOINTMENT FOR A PARTICULAR COURT. The judge of a court for which a master has been appointed may withdraw the master's appointment to that court by written order. The order must state:

- (1) the master's name and state bar identification number;
- (2) the name of the court ordering the withdrawal; and
- (3) the date the master's services end as to that court.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.808. CASES THAT MAY BE REFERRED. A judge may refer to a master any civil case or portion of a civil case brought:

- (1) under Title 1, 2, 3, 4, or 5, Family Code; or
- (2) in connection with Rule 308a, Texas Rules of Civil

Procedure.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 7.35, eff. Sept. 1, 1997.

Sec. 54.809. METHOD OF REFERRAL. A case may be referred as prescribed by published local rules or by written orders.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.810. POWERS. (a) An order of referral may limit the use or power of a master.

(b) Unless limited by published local rule, by written order, or by an order of referral, a master may perform all acts and take all measures necessary and proper to perform the tasks assigned in a referral.

(c) A master may administer oaths.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.811. EFFECT ON TEMPORARY RESTRAINING ORDER. (a) The referral of a case or a portion of a case to a master does not affect a party's right to have a court grant or extend a temporary restraining order and does not prevent the expiration of a temporary restraining order.

(b) Until a judge signs an order concerning the findings and recommendations of a master, the findings and recommendations do not affect an existing temporary restraining order or the expiration or extension of that order.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.812. JURY. (a) Except as provided by Subsection

(b), if a jury trial is demanded in a case referred to a master, the master shall refer the case back to the referring court for a full hearing according to the usual rules applicable to the case.

(b) A jury demand does not affect the authority of a master to handle pretrial matters referred to the master.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.813. COURT REPORTER. (a) A court reporter must be provided during a hearing conducted by a master.

(b) Notwithstanding Subsection (a), a referring judge may require a reporter at any hearing.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.814. FAILURE TO COMPLY WITH SUMMONS OR ORDER. If an attorney, party, witness, or any other person fails to comply with a summons or order, the master may certify that failure in writing to the referring court for appropriate action.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.815. WITNESSES. (a) A witness appearing before a master is subject to the penalties of perjury as provided by Chapter 37, Penal Code.

(b) A witness referred to the court under Section 54.814 is subject to the same penalties and orders that may be imposed on a witness appearing in a hearing before the court.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.816. RETURN TO REFERRING COURT; FINDINGS. After a hearing is concluded, the master shall send to the referring judge all papers relating to the case and the written findings of the master.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.817. COURT ACTION ON REPORT. (a) After the court receives the master's report, the court may adopt, modify, correct, reject, or reverse the master's report or may recommit it for further information, as the court determines to be proper and necessary in each case.

(b) If a judgment has been recommended, the court may approve the recommendation and hear more evidence before making its judgment.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.818. DECREE OR JUDGMENT. The finding and recommendations become the decree or judgment of the court when adopted and approved by an order of the judge.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.819. MASTERS IN CHANCERY. This subchapter does not prohibit a court from appointing a master in chancery as provided by Rule 171, Texas Rules of Civil Procedure.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

Sec. 54.820. REFEREES. (a) A master appointed under this subchapter may serve as a referee as provided by Subsection (g) of Section 51.04 and Section 54.10, Family Code.

(b) A referee appointed under Subsection (g) of Section 51.04, Family Code, may be appointed to serve as a master under this subchapter.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 8.33(a), eff. Aug. 28, 1989.

SUBCHAPTER L. CRIMINAL LAW HEARING OFFICERS IN CERTAIN COUNTIES

Sec. 54.851. APPLICATION. This subchapter applies only to counties with a population of 3.3 million or more.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.
Amended by Acts 2001, 77th Leg., ch. 669, Sec. 18, eff. Sept. 1,
2001.

Sec. 54.852. APPOINTMENT. (a) A board composed of three judges of the district courts of Harris County trying criminal cases, three judges of the county criminal courts at law, and three justices of the peace in Harris County may appoint criminal law hearing officers, with the consent and approval of the commissioners court, to perform the duties authorized by this subchapter. A quorum is two-thirds of the members of the board.

(b) The board shall ensure that the criminal law hearing officers appointed under this subchapter are representative of the race, sex, national origin, and ethnicity of the population of Harris County.

(c) A criminal law hearing officer serves a one-year term and continues to serve until a successor is appointed.

(d) A criminal law hearing officer appointed under this subchapter may be terminated at any time in the same manner as appointed.

(e) A criminal law hearing officer may not engage in the private practice of law or serve as a mediator or arbitrator or otherwise participate as a neutral party in any alternate dispute resolution proceeding, with or without compensation.

(f) A criminal law hearing officer is subject to proceedings under Article V, Section 1-a, of the Texas Constitution.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.853. QUALIFICATIONS. To be eligible for appointment as a criminal law hearing officer under this subchapter, a person must:

- (1) be a resident of this state and the county;
- (2) have been licensed to practice law in this state for at least four years;
- (3) not have been defeated for reelection to a judicial office;
- (4) not have been removed from office by impeachment,

by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

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

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.854. COMPENSATION. (a) Each criminal law hearing officer is entitled to a salary in the amount set by the commissioners court.

(b) The salary may not be less than the salary authorized to be paid to a master for family law cases appointed under Subchapter A.

(c) The salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.855. OATH. A criminal law hearing officer must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.856. CRIMINAL JURISDICTION.

(a) A criminal law hearing officer appointed under this subchapter has limited concurrent jurisdiction over criminal cases filed in the district courts and county criminal courts at law of the county and concurrent jurisdiction over criminal cases filed in the justice courts of the county. In criminal cases filed in the district courts and county criminal courts at law, the jurisdiction of the criminal law hearing officer is limited to:

(1) determining probable cause for further detention of any person detained on a criminal complaint, information, or indictment filed in the district courts or county criminal courts at law;

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

(3) issuing search warrants and arrest warrants as provided by law for magistrates; and

(4) enforcing judgments and orders of the county criminal courts at law in criminal cases.

(b) This section does not limit or impair the jurisdiction of the court in which the complaint, information, or indictment is filed to review or alter the decision of the criminal law hearing officer.

(c) In a felony or misdemeanor case punishable by incarceration in the county jail, a criminal law hearing officer may not dismiss the case, enter a judgment of acquittal or guilt, or pronounce sentence.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.
Amended by Acts 2001, 77th Leg., ch. 1206, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 811 (S.B. [1404](#)), Sec. 1, eff. September 1, 2007.

Sec. 54.857. MENTAL HEALTH JURISDICTION. The judges appointing a criminal law hearing officer may authorize the criminal law hearing officer to serve the statutory probate courts of Harris County as necessary to hear emergency mental health matters under Chapter [573](#), Health and Safety Code. A criminal law hearing officer has concurrent limited jurisdiction with the statutory probate courts of the county to hear emergency mental health matters under Chapter [573](#), Health and Safety Code. This section does not impair the jurisdiction of the statutory probate courts to review or alter the decision of the criminal law hearing officer.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.858. DUTIES AND POWERS. (a) A criminal law hearing officer shall inform the person arrested, in clear language, of the

accusation against the person and of any affidavit filed with the accusation. A criminal law hearing officer shall inform the person arrested of the person's right to retain counsel, to remain silent, to have an attorney present during any interview with a peace officer or an attorney representing the state, to terminate the interview at any time, and to request the appointment of counsel if the person is indigent and cannot afford counsel. The criminal law hearing officer shall also inform the person arrested that the person is not required to make a statement and that any statement made by the person may be used against the person. The criminal law hearing officer must allow the person arrested reasonable time and opportunity to consult counsel and shall admit the person arrested to bail if allowed by law. In addition to the powers and duties specified by this section, a criminal law hearing officer has all other powers and duties of a magistrate specified by the Code of Criminal Procedure and other laws of this state.

(b) A criminal law hearing officer may determine the amount of bail and grant bail pursuant to Chapter 17, Code of Criminal Procedure, and as otherwise provided by law.

(c) A criminal law hearing officer may issue a magistrate's order for emergency apprehension and detention under Chapter 573, Health and Safety Code, if the criminal law hearing officer makes each finding required by Section 573.012(b), Health and Safety Code.

(d) The criminal law hearing officer shall be available, within 24 hours of a defendant's arrest, to determine probable cause for further detention, administer warnings, inform the accused of the pending charges, and determine all matters pertaining to bail. Criminal law hearing officers shall be available to review and issue search warrants and arrest warrants as provided by law.

(e) A criminal law hearing officer may dispose of criminal cases filed in the justice court as provided by law and collect fines and enforce the judgments and orders of the justice courts in criminal cases.

(f) A criminal law hearing officer may enforce judgments and orders of the county criminal courts at law in criminal cases.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.
Amended by Acts 2001, 77th Leg., ch. 1206, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 811 (S.B. 1404), Sec. 2, eff. September 1, 2007.

Sec. 54.859. JUDICIAL IMMUNITY. A criminal law hearing officer has the same judicial immunity as a district judge, statutory county court judge, and justice of the peace.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.860. SHERIFF. On request of a criminal law hearing officer appointed under this subchapter, the sheriff, in person or by deputy, shall assist the criminal law hearing officer.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.861. CLERK. The district clerk shall perform the statutory duties necessary for the criminal law hearing officers appointed under this subchapter in cases filed in a district court or county criminal court. A person designated to serve as clerk of a justice court shall perform the statutory duties necessary for cases filed in a justice court.

Added by Acts 1993, 73rd Leg., ch. 224, Sec. 1, eff. Aug. 30, 1993.

SUBCHAPTER M. MAGISTRATES IN LUBBOCK COUNTY

Sec. 54.871. APPOINTMENT. (a) The judges of the district courts of Lubbock County, with the consent and approval of the Commissioners Court of Lubbock County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the unanimous approval of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of district judges, each magistrate shall serve equally in the courts of those judges.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.872. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

- (1) be a resident of this state; and
- (2) have been licensed to practice law in this state for at least four years.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.873. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Lubbock County.

(b) The salary may not be less than the salary authorized to be paid to an associate judge for Title IV-D cases appointed under Subchapter B, Chapter 201, Family Code.

(c) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Amended by Acts 1999, 76th Leg., ch. 602, Sec. 2, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 1258, Sec. 26, eff. Sept. 1, 2003.

Sec. 54.874. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.875. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.876. PROCEEDING THAT MAY BE REFERRED. (a) A district judge or a county court at law judge may refer to a magistrate any criminal case for proceedings involving:

- (1) a negotiated plea of guilty before the court;
- (2) a bond forfeiture;
- (3) a pretrial motion;

(4) a postconviction writ of habeas corpus;
(5) an examining trial; and
(6) any other matter the judge considers necessary and proper.

(b) A magistrate may accept a plea of guilty for a misdemeanor or felony.

(c) A magistrate may not preside over a trial on the merits, whether or not the trial is before a jury.

(d) A judge of a court designated a juvenile court may refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.
Amended by Acts 1999, 76th Leg., ch. 602, Sec. 3, eff. June 18, 1999.

Sec. 54.877. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket;
and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.878. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on a pretrial motion;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) accept a plea of guilty for a misdemeanor or felony or a plea of true from a defendant or juvenile, regardless of the classification of the offense charged or the conduct alleged; and
- (14) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may not enter a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the magistrate may make findings, conclusions, and recommendations on those issues. Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989. Amended by Acts 1999, 76th Leg., ch. 602, Sec. 4, eff. June 18, 1999.

Sec. 54.879. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate. Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.880. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may

fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.881. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.882. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.884. MAGISTRATES. (a) If a magistrate appointed under this subchapter is absent or unable to serve, the judge referring the case may appoint another magistrate to serve for the absent magistrate.

(b) A magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom he is serving.

Added by Acts 1989, 71st Leg., ch. 25, Sec. 1, eff. Aug. 28, 1989.

Amended by Acts 1999, 76th Leg., ch. 602, Sec. 5, eff. June 18, 1999.

Sec. 54.885. CLERK. The clerk of a district court or county court at law that refers a proceeding to a magistrate under this

subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

Added by Acts 1999, 76th Leg., ch. 602, Sec. 6, eff. June 18, 1999.

SUBCHAPTER N. CRIMINAL LAW MAGISTRATES IN BEXAR COUNTY

Sec. 54.901. APPOINTMENT. (a) The judges of the district courts of Bexar County that give preference to criminal cases, with the consent and approval of the Commissioners Court of Bexar County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of a majority of the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of the appointing judges, each magistrate shall serve equally in the courts of those judges.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.902. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.903. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Bexar County.

(b) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.904. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.905. TERMINATION OF SERVICES. (a) A magistrate who

serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of the appointing judges. Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.906. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case for proceedings involving:

(1) a bond forfeiture;

(2) a pretrial motion;

(3) a postconviction writ of habeas corpus;

(4) an examining trial;

(5) the issuance of search warrants, including a search warrant under Article 18.02(a)(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure;

(6) the setting of bonds;

(7) the arraignment of defendants; and

(8) any other matter the judge considers necessary and proper, including a plea of guilty or nolo contendere from a defendant charged with:

(A) a felony offense;

(B) a misdemeanor offense when charged with both a misdemeanor offense and a felony offense; or

(C) a misdemeanor offense.

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

(c) Subsection (a)(5) does not apply to the issuance of a subsequent search warrant under Article 18.02(a)(10), Code of Criminal Procedure.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 909 (H.B. 1722), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 126 (H.B. 994), Sec. 1, eff. May 27, 2011.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 8.002,

eff. September 1, 2019.

Sec. 54.907. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties. The judge may issue a written order of referral or may read the order of referral into the minutes of the court.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Amended by Acts 1999, 76th Leg., ch. 59, Sec. 1, eff. May 10, 1999.

Sec. 54.908. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be

made in a case;

(12) regulate proceedings in a hearing;

(13) accept a plea of guilty or nolo contendere from a defendant charged with:

(A) a felony offense;

(B) a misdemeanor offense when charged with both a misdemeanor offense and a felony offense; or

(C) a misdemeanor offense;

(14) notwithstanding Article 18.01(c), Code of Criminal Procedure, issue a search warrant under Article 18.02(a)(10), Code of Criminal Procedure; and

(15) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate does not have authority under Subsection (a)(14) to issue a subsequent search warrant under Article 18.02(a)(10), Code of Criminal Procedure.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 680, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 909 (H.B. 1722), Sec. 2, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 126 (H.B. 994), Sec. 2, eff. May 27, 2011.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 8.003, eff. September 1, 2019.

Sec. 54.909. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.910. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may

fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.911. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

Sec. 54.912. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 1989, 71st Leg., ch. 1068, Sec. 1, eff. Aug. 28, 1989.

SUBCHAPTER Q. CRIMINAL LAW MAGISTRATES IN TRAVIS COUNTY

Sec. 54.970. APPLICATION. This subchapter applies to the district courts and the county courts at law that give preference to criminal cases in Travis County.

Added by Acts 2003, 78th Leg., ch. 979, Sec. 2, eff. Sept. 1, 2003.

Sec. 54.971. APPOINTMENT. (a) The Commissioners Court of Travis County shall set the number of magistrates needed to perform the duties authorized by this subchapter.

(b) The judges of the district courts subject to this subchapter shall, with the consent and approval of the Commissioners Court of Travis County, jointly appoint the

magistrates that will assist the district courts. Each magistrate's appointment under this subsection must be made with the unanimous approval of the judges of the district courts subject to this subchapter.

(c) Except as provided by Subsection (e), if the number of magistrates is less than the number of the appointing judges, each magistrate shall serve equally in the courts of those judges.

(d) The judges of the county courts at law subject to this subchapter shall, with the consent and approval of the Commissioners Court of Travis County, jointly appoint the magistrates that will assist the county courts at law. Each magistrate's appointment under this subsection must be made with the unanimous approval of the judges of the county courts at law subject to this subchapter.

(e) In addition to the requirements of Subsection (b) or (d), a magistrate appointed to assist only one court must be approved by the judge of that court.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Amended by Acts 2003, 78th Leg., ch. 979, Sec. 3, eff. Sept. 1, 2003.

Sec. 54.972. QUALIFICATIONS. A magistrate must:

(1) be a resident of this state and of Travis County;
and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Sec. 54.973. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Travis County.

(b) The salary may not be less than the salary authorized to be paid to a master for family law cases appointed under Subchapter A, Chapter 201, Family Code, unless a lesser salary is recommended by the judges described by Section 54.971 and approved by the commissioners court.

(c) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.
Amended by Acts 1999, 76th Leg., ch. 861, Sec. 1, eff. Sept. 1,
1999.

Sec. 54.974. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge or a judge of a county court at law, as applicable.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.
Amended by Acts 2003, 78th Leg., ch. 979, Sec. 3, eff. Sept. 1,
2003.

Sec. 54.975. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of the appointing judges.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

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

- (1) a negotiated plea of guilty or no contest and sentencing;
- (2) a pretrial motion;
- (3) an examining trial;
- (4) a writ of habeas corpus;
- (5) a bond forfeiture suit;
- (6) issuance of search warrants;
- (7) setting, setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (8) arraignment of defendants;
- (9) a motion to increase or decrease a bond;
- (10) a motion to revoke community supervision or to proceed to an adjudication;
- (11) an issue of competency or a civil commitment under Chapter 46, 46B, or 46C, Code of Criminal Procedure, with or without a jury;
- (12) a motion to modify community supervision;

(13) specialty court proceedings, including drug court proceedings, veterans treatment court proceedings, and driving while intoxicated court proceedings;

(14) an expunction or a petition for nondisclosure;

(15) an occupational driver's license;

(16) a waiver of extradition;

(17) the issuance of subpoenas and orders requiring the production of medical records, including records relating to mental health or substance abuse treatment; and

(18) any other matter the judge considers necessary and proper.

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

(c) A judge may refer to a magistrate any proceeding involving an application for a protective order under Title 4, Family Code, or Section [17.292](#), Code of Criminal Procedure.

(d) A judge may refer to a magistrate proceedings involving a grand jury, including issuance of grand jury subpoenas, receipt of grand jury reports on behalf of a district judge, the granting of a grand jury request to recess, motions to compel testimony, and discharge of a grand jury at the end of a term. A magistrate may not impanel a grand jury.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Amended by Acts 1993, 73rd Leg., ch. 413, Sec. 3, eff. Sept. 1, 1993; Acts 2003, 78th Leg., ch. 979, Sec. 3, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 864 (H.B. [3856](#)), Sec. 1, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1205 (S.B. [1474](#)), Sec. 9, eff. September 1, 2015.

Sec. 54.977. ORDER OF REFERRAL. (a) To refer one or more cases or matters to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the

magistrate to report only specific issues, do particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

(c) A judge may issue a general order of referral authorizing the magistrate to act on certain types of matters without requiring an order for each referral. Items that may be in the general order of referral include:

(1) waivers of extradition;

(2) search warrants;

(3) bench warrants;

(4) grand jury subpoenas;

(5) subpoenas and orders requiring the production of medical records, including records relating to mental health and substance abuse treatment; and

(6) records and other matters relating to the grand jury.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 864 (H.B. [3856](#)), Sec. 2, eff. June 17, 2011.

Sec. 54.978. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case or matter related to a criminal case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

- (5) issue summons for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on pretrial motions;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing;
- (13) in any case referred under Section [54.976\(a\)\(1\)](#):
 - (A) accept a negotiated plea of guilty;
 - (B) enter a finding of guilt and impose or suspend sentence; or
 - (C) defer adjudication of guilty;
- (14) notwithstanding Article [18.01\(c\)](#), Code of Criminal Procedure, issue a search warrant under Article [18.02\(a\)\(10\)](#), Code of Criminal Procedure;
- (15) notwithstanding Article [18.01\(h\)](#), Code of Criminal Procedure, issue a search warrant under Article [18.02\(a\)\(12\)](#), Code of Criminal Procedure; and
- (16) do any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may not enter a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the magistrate may make findings, conclusions, and recommendations on those issues. A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section [12.45](#), Penal Code.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate does not have authority under Subsection (a)(14) to issue a subsequent search warrant under Article [18.02\(a\)\(10\)](#), Code of Criminal Procedure.

(e) In this subsection, "ESN reader," "pen register," and

"trap and trace device" have the meanings assigned by Article 18B.001, Code of Criminal Procedure, and "mobile tracking device" has the meaning assigned by Article 18B.201, Code of Criminal Procedure. A magistrate may:

(1) notwithstanding Article 18B.051 or 18B.052, Code of Criminal Procedure, issue an order under Subchapter C, Chapter 18B, Code of Criminal Procedure, for the installation and use of:

- (A) a pen register;
- (B) an ESN reader;
- (C) a trap and trace device; or
- (D) equipment that combines the function of a pen register and a trap and trace device;

(2) issue an order to obtain access to stored communications under Article 18B.352, Code of Criminal Procedure; and

(3) notwithstanding Article 18B.203(a), Code of Criminal Procedure, issue an order for the installation and use of a mobile tracking device under Subchapter E, Chapter 18B, Code of Criminal Procedure.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 864 (H.B. 3856), Sec. 3, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. 2931), Sec. 3.08, eff. January 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 8.004, eff. September 1, 2019.

Sec. 54.979. RECORD OF PROCEEDINGS. At the request of a party the court shall provide that the proceedings before the magistrate be recorded.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Sec. 54.980. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may

fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Sec. 54.981. PAPERS TRANSMITTED TO THE JUDGE. (a) At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

(b) A party has seven days after the date of the magistrate's ruling to tender to the referring court any objections to the magistrate's ruling on pretrial matters. The referring court shall consider any objections before taking final action.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Sec. 54.982. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

Sec. 54.984. CRIMINAL LAW MAGISTRATES. (a) If a criminal law magistrate appointed under this subchapter is absent or unable to serve, the judge referring the case may appoint another criminal law magistrate to serve for the absent magistrate.

(b) A criminal law magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom he is serving.

Added by Acts 1991, 72nd Leg., ch. 849, Sec. 1, eff. Aug. 26, 1991.

SUBCHAPTER R. CRIMINAL LAW MAGISTRATES IN WEBB COUNTY

Sec. 54.991. APPOINTMENT. (a) The judges of the district courts in Webb County shall jointly appoint the number of criminal law magistrates set by the commissioners court.

(b) Each magistrate's appointment must be unanimously approved by the judges.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.992. QUALIFICATIONS. A magistrate must be a resident of this state and Webb County.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.993. COMPENSATION. A magistrate is entitled to the salary determined by the commissioners court.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.994. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.995. ORDER OF REFERRAL. (a) To refer one or more criminal cases to a magistrate, a judge must issue an order specifying the magistrate's duties.

(b) An order of referral may set forth general powers and limitations of authority of the magistrate that apply to any case referred.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.996. POWERS. (a) A judge may refer to a magistrate any criminal case for proceedings involving:

- (1) issuance of search warrants;
- (2) setting of bonds;
- (3) arraignment of defendants; and
- (4) any other matter that is subject to the review of the judge.

(b) A magistrate may not preside over a contested trial on

the merits, regardless of whether the trial is before a jury.
Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.997. RETURN TO REFERRING COURT; FINDINGS. After a hearing is concluded, the magistrate shall send to the referring court any papers related to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

Sec. 54.998. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 1993, 73rd Leg., ch. 577, Sec. 1, eff. Aug. 30, 1993.

SUBCHAPTER W. MAGISTRATES IN CERTAIN COUNTY COURTS

Sec. 54.1171. APPLICATION OF SUBCHAPTER. This subchapter applies to a constitutional county court in a county with a population of 2.1 million or more.

Added by Acts 2003, 78th Leg., ch. 137, Sec. 2, eff. Sept. 1, 2003.

Renumbered from Government Code, Section 54.1151 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(27), eff. September 1, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 148 (H.B. 734), Sec. 5, eff. September 1, 2011.

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. 4559), Sec. 37, eff. September 1, 2023.

Sec. 54.1172. APPOINTMENT. (a) The county judge may

appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093, Education Code, or alleging truant conduct under Section 65.003(a), Family Code.

(b) An appointment under Subsection (a) is subject to the approval of the commissioners court.

(c) A magistrate serves at the pleasure of the county judge.

(d) A magistrate appointed under Subsection (a) must complete every two years at least eight hours of continuing education conducted by the Texas Association of Counties, the State Bar of Texas, or the Texas Justice Court Training Center.

Added by Acts 2003, 78th Leg., ch. 137, Sec. 2, eff. Sept. 1, 2003.

Renumbered from Government Code, Section 54.1152 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(27), eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 667 (H.B. 1346), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 272 (S.B. 407), Sec. 1, eff. May 30, 2009.

Acts 2015, 84th Leg., R.S., Ch. 935 (H.B. 2398), Sec. 32, eff. September 1, 2015.

Sec. 54.1173. QUALIFICATIONS. A magistrate must:

- (1) be a citizen of this state;
- (2) be at least 25 years of age; and
- (3) have been licensed to practice law in this state

for at least four years preceding the date of appointment.

Added by Acts 2003, 78th Leg., ch. 137, Sec. 2, eff. Sept. 1, 2003.

Renumbered from Government Code, Section 54.1153 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(27), eff. September 1, 2005.

Sec. 54.1174. COMPENSATION. A magistrate is entitled to the compensation set by the commissioners court. The compensation shall be paid from the general fund of the county.

Added by Acts 2003, 78th Leg., ch. 137, Sec. 2, eff. Sept. 1, 2003.

Renumbered from Government Code, Section 54.1154 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(27), eff. September 1, 2005.

Sec. 54.1175. POWERS. Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

- (1) conduct hearings and trials, including jury trials;
- (2) hear evidence;
- (3) compel production of relevant evidence, including books, papers, vouchers, documents, and other writings;
- (4) rule on admissibility of evidence;
- (5) issue summons and attachments for the appearance of witnesses;
- (6) examine witnesses;
- (7) swear witnesses for hearings and trials; and
- (8) perform any act and take any measure necessary and proper for the efficient performance of the duties assigned by the county judge.

Added by Acts 2003, 78th Leg., ch. 137, Sec. 2, eff. Sept. 1, 2003.

Renumbered from Government Code, Section 54.1155 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(27), eff. September 1, 2005.

Sec. 54.1176. PAPERS TRANSMITTED TO JUDGE. (a) At the conclusion of a hearing, the magistrate shall transmit to the judge any papers relating to the case, including:

- (1) the magistrate's findings and recommendations; and
- (2) a statement that notice of the findings and recommendations and of the right to a hearing before the judge has been given to all parties.

(b) The judge shall adopt, modify, or reject the magistrate's recommendations not later than the third working day after the date the judge receives the recommendations. If the judge does not take action in the time provided by this subsection, the recommendations of the magistrate are adopted by the judge.

(c) The judge shall send written notice of any modification or rejection of the magistrate's recommendations to each party to the case.

Added by Acts 2003, 78th Leg., ch. 137, Sec. 2, eff. Sept. 1, 2003.

Renumbered from Government Code, Section 54.1156 by Acts 2005, 79th

Leg., Ch. 728 (H.B. 2018), Sec. 23.001(27), eff. September 1, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 187 (S.B. 1242), Sec. 1, eff. September 1, 2011.

Sec. 54.1177. JUDICIAL IMMUNITY. A magistrate appointed under this subchapter has the same judicial immunity as a district judge.

Added by Acts 2011, 82nd Leg., R.S., Ch. 187 (S.B. 1242), Sec. 2, eff. September 1, 2011.

SUBCHAPTER Y. MAGISTRATES IN COMAL COUNTY

Sec. 54.1231. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Comal County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Comal County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1151 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

Sec. 54.1232. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

(2) have resided in Comal County for at least the two years preceding the person's appointment; and

(3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.1231 must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1152 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

Amended by:

Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.002(5), eff. September 1, 2005.

Sec. 54.1233. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Comal County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Comal County as established by the annual budget of Comal County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. The per-hour salary is determined by dividing the annual salary by a 2000 work-hour year. The local administrative judge of the district courts serving Comal County shall approve the number of hours to be paid a part-time magistrate.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1153 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

Sec. 54.1234. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1154 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

Sec. 54.1235. TERMINATION OF EMPLOYMENT. (a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Comal County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Comal County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

(2) the final date of the magistrate's employment.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1155 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

Sec. 54.1236. JURISDICTION; RESPONSIBILITY; POWERS. (a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Juvenile Board of Comal County.

(f) With the express authorization of a justice of the peace, a magistrate may exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace,

except for a trial on the merits following a plea of not guilty.

(g) A magistrate may:

- (1) issue notices of the setting of a case for a hearing;
- (2) conduct hearings;
- (3) compel production of evidence;
- (4) hear evidence;
- (5) issue summons for the appearance of witnesses;
- (6) swear witnesses for hearings;
- (7) regulate proceedings in a hearing; and
- (8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1156 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

Sec. 54.1237. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The Commissioners Court of Comal County shall provide:

(1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and

(2) sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

Added by Acts 2003, 78th Leg., ch. 42, Sec. 1, eff. May 15, 2003.

Renumbered from Government Code, Section 54.1157 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(28), eff. September 1, 2005.

SUBCHAPTER BB. CRIMINAL LAW HEARING OFFICERS IN CAMERON COUNTY

Sec. 54.1351. APPLICATION OF SUBCHAPTER. This subchapter applies to Cameron County.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

Sec. 54.1352. APPOINTMENT. (a) A majority of the members

of a board composed of the judges of the district courts and statutory county courts of Cameron County may appoint not more than two criminal law hearing officers to perform the duties authorized by this subchapter.

(b) A criminal law hearing officer appointed under this subchapter serves at the pleasure of the board and may be terminated at any time in the same manner as appointed.

(c) A criminal law hearing officer is subject to proceedings under Section 1-a, Article V, Texas Constitution.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

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

- (1) be a resident of Cameron County;
- (2) be eligible to vote in this state and in Cameron County;
- (3) be at least 30 years of age;
- (4) be a licensed attorney with at least four years' experience; and
- (5) have the other qualifications required by the board.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

Sec. 54.1354. COMPENSATION. (a) A criminal law hearing officer is entitled to a salary in the amount set by the commissioners court.

(b) The salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

Sec. 54.1355. OATH. A criminal law hearing officer must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

Sec. 54.1356. CRIMINAL JURISDICTION. (a) A criminal law hearing officer appointed under this subchapter has limited concurrent jurisdiction over criminal cases filed in the district courts, statutory county courts, and justice courts of the county. The jurisdiction of the criminal law hearing officer is limited to:

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

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

(3) issuing search warrants and arrest warrants as provided by law for magistrates;

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

(5) hearing, considering, and ruling on writs of habeas corpus filed under Article 17.151, Code of Criminal Procedure;

(6) on motion of the district attorney:

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

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

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

(b) This section does not limit or impair the jurisdiction of the court in which the complaint, information, or indictment is filed to review or alter the decision of the criminal law hearing officer.

(c) In a felony or misdemeanor case punishable by incarceration in the county jail, a criminal law hearing officer may not dismiss the case, enter a judgment of acquittal or guilt, or pronounce sentence.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 953 (H.B. 3417), Sec. 1, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 743 (H.B. 1774), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. 1139), Sec. 6.02(a), eff. September 1, 2015.

Sec. 54.1357. MENTAL HEALTH JURISDICTION. The judges of the statutory county courts of Cameron County may authorize a criminal law hearing officer to serve the probate courts of Cameron County as necessary to hear emergency mental health matters under Chapter 573, Health and Safety Code. A criminal law hearing officer has concurrent limited jurisdiction with the probate courts of the county to hear emergency mental health matters under Chapter 573, Health and Safety Code. This section does not impair the jurisdiction of the probate courts to review or alter the decision of the criminal law hearing officer.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

Sec. 54.1358. DUTIES AND POWERS. (a) A criminal law hearing officer shall inform a person arrested of the warnings described by Article 15.17, Code of Criminal Procedure.

(b) A criminal law hearing officer may determine the amount of bail and grant bail under Chapter 17, Code of Criminal Procedure, and as otherwise provided by law.

(c) A criminal law hearing officer may issue a magistrate's order for emergency apprehension and detention under Chapter 573, Health and Safety Code, if authorized by the judges of the statutory county courts of Cameron County and if the criminal law hearing

officer makes each finding required by Section [573.012\(b\)](#), Health and Safety Code.

(d) The criminal law hearing officer shall be available, within the time provided by law following a defendant's arrest, to determine probable cause for further detention, administer warnings, inform the accused of the pending charges, and determine all matters pertaining to bail. Criminal law hearing officers shall be available to review and issue search warrants and arrest warrants as provided by law.

(e) A criminal law hearing officer may dispose of criminal cases filed in the justice courts as provided by law, other than by trial, and collect fines and enforce the judgments and orders of the justice courts in criminal cases.

(f) In accordance with Article [26.13](#), Code of Criminal Procedure, a criminal law hearing officer may accept a plea of guilty or nolo contendere.

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

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. [3485](#)), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 743 (H.B. [1774](#)), Sec. 2, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. [1139](#)), Sec. 6.02(b), eff. September 1, 2015.

Sec. 54.1359. JUDICIAL IMMUNITY. A criminal law hearing officer has the same judicial immunity as a district judge, statutory county court judge, and justice of the peace.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. [3485](#)), Sec. 1, eff. September 1, 2005.

Sec. 54.1360. SHERIFF. On request of a criminal law hearing officer appointed under this subchapter, the sheriff, in person or by deputy, shall assist the criminal law hearing officer.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. [3485](#)), Sec. 1, eff.

September 1, 2005.

Sec. 54.1361. CLERK. The district clerk shall perform the statutory duties necessary for the criminal law hearing officers appointed under this subchapter in cases filed in a district court or a statutory county court. A person designated to serve as a clerk of a justice court shall perform the statutory duties necessary for cases filed in a justice court.

Added by Acts 2005, 79th Leg., Ch. 767 (H.B. 3485), Sec. 1, eff. September 1, 2005.

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.

Added by Acts 2015, 84th Leg., R.S., Ch. 743 (H.B. 1774), Sec. 3, eff. September 1, 2015.

Added by Acts 2015, 84th Leg., R.S., Ch. 1182 (S.B. 1139), Sec. 6.02(c), eff. September 1, 2015.

SUBCHAPTER DD. BURNET COUNTY CRIMINAL MAGISTRATES

Sec. 54.1501. APPOINTMENT. (a) The Commissioners Court of Burnet County may select magistrates to serve the courts of Burnet County having jurisdiction in criminal matters.

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

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

(2) be an attorney licensed in this state.

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 863 (H.B. 3844), Sec. 1, eff. June 17, 2011.

Redesignated from Government Code, Section 54.1951 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(19), eff. September 1, 2013.

Sec. 54.1502. JURISDICTION. A magistrate has concurrent criminal jurisdiction with:

(1) the judges of the justice of the peace courts of Burnet County; and

(2) a municipal court in Burnet County, if approved by a memorandum of understanding between the municipality and Burnet County.

Added by Acts 2011, 82nd Leg., R.S., Ch. 863 (H.B. 3844), Sec. 1, eff. June 17, 2011.

Redesignated from Government Code, Section 54.1952 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(19), eff. September 1, 2013.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.02, eff. September 1, 2021.

Sec. 54.1503. POWERS AND DUTIES. (a) The Commissioners Court of Burnet County shall establish the powers and duties of a magistrate appointed under this subchapter. Except as otherwise provided by the commissioners court, a magistrate has the powers of a magistrate under the Code of Criminal Procedure and other laws of this state and may administer an oath for any purpose.

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

(c) The commissioners court may designate one or more

magistrates to hold regular hearings to:

- (1) give admonishments;
- (2) set and review bail and conditions of release;
- (3) appoint legal counsel; and
- (4) determine other routine matters relating to

preindictment or pending cases within those courts' jurisdiction.

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

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 863 (H.B. 3844), Sec. 1, eff. June 17, 2011.

Redesignated from Government Code, Section 54.1953 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(19), eff. September 1, 2013.

Sec. 54.1504. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2011, 82nd Leg., R.S., Ch. 863 (H.B. 3844), Sec. 1, eff. June 17, 2011.

Redesignated from Government Code, Section 54.1954 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(19), eff. September 1, 2013.

Sec. 54.1505. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 863 (H.B. 3844), Sec. 1, eff. June 17, 2011.

Redesignated from Government Code, Section 54.1955 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(19), eff.

September 1, 2013.

SUBCHAPTER GG. MAGISTRATES FOR DRUG COURT PROGRAMS

Sec. 54.1801. DEFINITION. In this subchapter, "drug court" or "drug court program" has the meaning assigned by Section [123.001](#).

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. [530](#)), Sec. 9, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 747 (S.B. [462](#)), Sec. 2.05, eff. September 1, 2013.

Sec. 54.1802. APPLICABILITY OF SUBCHAPTER. This subchapter applies to each district court and statutory county court with criminal jurisdiction in this state. If a provision of this subchapter conflicts with a specific provision for a particular district court or statutory county court, the specific provision controls.

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. [530](#)), Sec. 9, eff. June 15, 2007.

Sec. 54.1803. APPOINTMENT. (a) The judges of the district courts of a county hearing criminal cases and the judges of the statutory county courts with criminal jurisdiction in a county, with the consent and approval of the commissioners court of the county, may appoint the number of magistrates set by the commissioners court to perform the duties associated with the administration of drug courts as authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of the majority of the district court or statutory county court judges described in Subsection (a), as applicable.

(c) A magistrate appointed under this section serves at the will of a majority of the appointing judges.

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. [530](#)), Sec. 9, eff. June 15, 2007.

Sec. 54.1804. QUALIFICATIONS. A magistrate must:

(1) be a resident of this state and of the county in which the magistrate is appointed to serve under this subchapter; and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. 530), Sec. 9, eff. June 15, 2007.

Sec. 54.1805. COMPENSATION. A magistrate is entitled to the salary determined by the county commissioners court.

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. 530), Sec. 9, eff. June 15, 2007.

Sec. 54.1806. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a judge of a district court or statutory county court appointing the magistrate.

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. 530), Sec. 9, eff. June 15, 2007.

Sec. 54.1807. PROCEEDINGS THAT MAY BE REFERRED. (a) A district judge or judge of a statutory county court with criminal jurisdiction may refer to a magistrate a criminal case for drug court proceedings.

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

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. 530), Sec. 9, eff. June 15, 2007.

Sec. 54.1808. ORDER OF REFERRAL. (a) To refer one or more cases to a drug court magistrate, a district judge or judge of a statutory county court with criminal jurisdiction must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report on specific issues and perform particular acts;

- (2) set the time and place for the hearing;
 - (3) provide a date for filing the magistrate's findings;
 - (4) designate proceedings for more than one case over which the magistrate shall preside; and
 - (5) set forth general powers and limitations of authority of the magistrate applicable to any case referred.
- Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. 530), Sec. 9, eff. June 15, 2007.

Sec. 54.1809. POWERS. Except as limited by an order of referral, a magistrate to whom a drug court case is referred may perform any act and take any measure necessary and proper for the efficient performance of the duties assigned by the district or statutory county court judge.

Added by Acts 2007, 80th Leg., R.S., Ch. 625 (H.B. 530), Sec. 9, eff. June 15, 2007.

SUBCHAPTER HH. BRAZORIA COUNTY CRIMINAL MAGISTRATES

Sec. 54.1851. APPOINTMENT. (a) The Commissioners Court of Brazoria County may select magistrates to serve the courts of Brazoria County having jurisdiction in criminal matters.

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. 646 (H.B. 1750), Sec. 1, eff. June 19, 2009.

Sec. 54.1852. JURISDICTION. A magistrate has concurrent criminal jurisdiction with the judges of the justice of the peace courts of Brazoria County.

Added by Acts 2009, 81st Leg., R.S., Ch. 646 (H.B. 1750), Sec. 1, eff. June 19, 2009.

Sec. 54.1853. POWERS AND DUTIES. (a) The Commissioners Court of Brazoria County shall establish the powers and duties of a magistrate appointed under this subchapter. Except as otherwise provided by the commissioners court, a magistrate has the powers of a magistrate under the Code of Criminal Procedure and other laws of this state and may administer an oath for any purpose.

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

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

- (1) give admonishments;
- (2) set and review bail and conditions of release;
- (3) appoint legal counsel; and
- (4) determine other routine matters relating to preindictment or pending cases within those courts' jurisdiction.

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

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

Added by Acts 2009, 81st Leg., R.S., Ch. 646 (H.B. 1750), Sec. 1, eff. June 19, 2009.

Sec. 54.1854. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2009, 81st Leg., R.S., Ch. 646 (H.B. 1750), Sec. 1, eff. June 19, 2009.

Sec. 54.1855. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

(b) A referring court may fine or imprison a witness or

other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.

Added by Acts 2009, 81st Leg., R.S., Ch. 646 (H.B. 1750), Sec. 1, eff. June 19, 2009.

SUBCHAPTER JJ. MAGISTRATES IN CERTAIN COUNTIES

Sec. 54.1951. APPLICATION OF SUBCHAPTER. This subchapter applies to a constitutional county court in a county that:

- (1) has a population of more than 820,000; and
- (2) is contiguous to a county with a population of at least four million.

Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. 2132), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 644 (H.B. 4559), Sec. 38, eff. September 1, 2023.

Sec. 54.1952. APPOINTMENT. (a) The county judge may appoint one or more part-time or full-time magistrates to hear a matter alleging a violation of Section 25.093, Education Code, or alleging truant conduct under Section 65.003(a), Family Code, referred to the magistrate by a court having jurisdiction over the matter.

(b) An appointment under Subsection (a) is subject to the approval of the commissioners court.

(c) A magistrate serves at the pleasure of the county judge. Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. 2132), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 935 (H.B. 2398), Sec. 33, eff. September 1, 2015.

Sec. 54.1953. QUALIFICATIONS. A magistrate must:

- (1) be a citizen of this state;
- (2) have resided in the county for at least six months

before the date of the appointment; and

(3) have:

(A) served as a justice of the peace for at least four years before the date of appointment; or

(B) been licensed to practice law in this state for at least four years before the date of appointment.

Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. [2132](#)), Sec. 1, eff. June 17, 2011.

Sec. 54.1954. COMPENSATION. A magistrate is entitled to the compensation set by the commissioners court. The compensation shall be paid from the general fund of the county.

Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. [2132](#)), Sec. 1, eff. June 17, 2011.

Sec. 54.1955. POWERS.

Text of subsection effective until January 01, 2025

(a) Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

(1) conduct hearings;

(2) hear evidence;

(3) issue summons for the appearance of witnesses;

(4) examine witnesses;

(5) swear witnesses for hearings;

(6) recommend rulings or orders or a judgment in a case;

(7) regulate proceedings in a hearing;

(8) accept a plea of guilty or nolo contendere in a case alleging a violation of Section [25.093](#), Education Code, and assess a fine or court costs or order community service in satisfaction of a fine or costs in accordance with Article [45.049](#), Code of Criminal Procedure;

(9) for a violation of Section [25.093](#), Education Code, enter an order suspending a sentence or deferring a final disposition that includes at least one of the requirements listed in Article [45.051](#), Code of Criminal Procedure;

(10) for an uncontested adjudication of truant conduct

under Section 65.003, Family Code, accept a plea to the petition or a stipulation of evidence, and take any other action authorized under Chapter 65, Family Code; and

(11) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the referral order, including the entry of an order that includes at least one of the remedial options in Section 65.103, Family Code.

Text of subsection effective on January 01, 2025

(a) Except as limited by an order of the county judge, a magistrate appointed under this subchapter may:

(1) conduct hearings;

(2) hear evidence;

(3) issue summons for the appearance of witnesses;

(4) examine witnesses;

(5) swear witnesses for hearings;

(6) recommend rulings or orders or a judgment in a case;

(7) regulate proceedings in a hearing;

(8) accept a plea of guilty or nolo contendere in a case alleging a violation of Section 25.093, Education Code, and assess a fine or court costs or order community service in satisfaction of a fine or costs in accordance with Article 45A.254, Code of Criminal Procedure;

(9) for a violation of Section 25.093, Education Code, enter an order suspending a sentence or deferring a final disposition that includes at least one of the requirements listed in Subchapter G, Chapter 45A, Code of Criminal Procedure;

(10) for an uncontested adjudication of truant conduct under Section 65.003, Family Code, accept a plea to the petition or a stipulation of evidence, and take any other action authorized under Chapter 65, Family Code; and

(11) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the referral order, including the entry of an order that includes at least one of the remedial options in Section 65.103, Family Code.

(b) With respect to an issue of law or fact the ruling on which could result in the dismissal of a prosecution under Section

25.093, Education Code, or a case of truant conduct under Section 65.003, Family Code, a magistrate may not rule on the issue but may make findings, conclusions, and recommendations on the issue.

Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. 2132), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 935 (H.B. 2398), Sec. 34, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.065, eff. January 1, 2025.

Sec. 54.1956. NOT GUILTY PLEA ENTERED OR DENIAL OF ALLEGED CONDUCT. (a) On entry of a not guilty plea for a violation of Section 25.093, Education Code, the magistrate shall refer the case back to the referring court for all further pretrial proceedings and a full trial on the merits before the court or a jury.

(b) On denial by a child of truant conduct, as defined by Section 65.003(a), Family Code, the magistrate shall refer the case to the appropriate truancy court for adjudication.

Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. 2132), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 935 (H.B. 2398), Sec. 35, eff. September 1, 2015.

Sec. 54.1957. PAPERS TRANSMITTED TO JUDGE. (a) At the conclusion of a hearing, the magistrate shall transmit to the judge any papers relating to the case, including:

- (1) the magistrate's findings and recommendations;
- (2) a statement that notice of the findings and recommendations and of the right to a hearing before the judge has been given to all parties; and
- (3) all other documents requested by the referring judge.

(b) Unless the judge adopts, modifies, or rejects the magistrate's findings or recommendations not later than the fifth working day after the date the judge receives the findings or

recommendations, a magistrate's finding or recommendation is final for appeal purposes.

(c) The judge shall send written notice of any modification or rejection of the magistrate's findings or recommendations to each party to the case and the attorney representing the state not later than the fifth day after the date of the modification or rejection.

Added by Acts 2011, 82nd Leg., R.S., Ch. 995 (H.B. 2132), Sec. 1, eff. June 17, 2011.

SUBCHAPTER KK. MAGISTRATES IN GUADALUPE COUNTY

Sec. 54.2001. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Guadalupe County may authorize the judges of the district and statutory county courts in Guadalupe County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Guadalupe County by majority vote may appoint magistrates as authorized by the Commissioners Court of Guadalupe County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Guadalupe County, and the order must state:

- (1) the magistrate's name; and
- (2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Guadalupe County.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.003, eff. September 1, 2023.

Sec. 54.2002. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

- (1) be a citizen of the United States;
- (2) have resided in Guadalupe County for at least the

two years preceding the person's appointment; and

(3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.2001 must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

Sec. 54.2003. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Guadalupe County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Guadalupe County as established by the annual budget of Guadalupe County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. The per-hour salary is determined by dividing the annual salary by a 2,000 work-hour year. The local administrative judge of the district courts serving Guadalupe County shall approve the number of hours for which a part-time magistrate is to be paid.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

Sec. 54.2004. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

Sec. 54.2005. TERMINATION OF EMPLOYMENT. (a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Guadalupe County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Guadalupe County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

(2) the final date of the magistrate's employment.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

Sec. 54.2006. JURISDICTION; RESPONSIBILITY; POWERS.

(a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Guadalupe County Juvenile Board.

(f) With the express authorization of a justice of the peace, a magistrate may exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) A magistrate may:

(1) issue notices of the setting of a case for a hearing;

- (2) conduct hearings;
- (3) compel production of evidence;
- (4) hear evidence;
- (5) issue summons for the appearance of witnesses;
- (6) swear witnesses for hearings;
- (7) regulate proceedings in a hearing; and
- (8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

Sec. 54.2007. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The Commissioners Court of Guadalupe County shall provide:

- (1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and

- (2) sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1059 (H.B. 3153), Sec. 3.01, eff. September 1, 2013.

SUBCHAPTER MM. MAGISTRATES IN COLLIN COUNTY

Sec. 54.2201. AUTHORIZATION; APPOINTMENT; TERMINATION; ELIMINATION. (a) The Commissioners Court of Collin County by majority vote may appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) An order appointing a magistrate must be signed by the county judge of Collin County, and the order must state:

- (1) the magistrate's name; and
- (2) the date the magistrate's employment begins.

(c) A magistrate may be terminated by a majority vote of the Commissioners Court of Collin County.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Collin County.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2202. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

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

(b) A magistrate appointed under Section 54.2201 must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2203. COMPENSATION. A magistrate is entitled to the compensation set by the Commissioners Court of Collin County. The compensation shall be paid from the general fund of the county.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2204. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2205. PROCEEDING THAT MAY BE REFERRED.

Text of subsection effective until January 01, 2025

(a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

- (1) a negotiated plea of guilty or no contest and sentencing before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;

- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
- (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
- (10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;
- (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (12) specialty court proceedings;
- (13) a waiver of extradition;
- (14) selection of a jury; and
- (15) any other matter the judge or justice of the peace considers necessary and proper.

Text of subsection effective on January 01, 2025

(a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

- (1) a negotiated plea of guilty or no contest and sentencing before the court;
- (2) a bond forfeiture, remittitur, and related proceedings;
- (3) a pretrial motion;
- (4) a writ of habeas corpus;
- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55A, Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) If the magistrate is acting as an associate judge under Section 54.2216, the magistrate may hear any case referred under Section 54A.106.

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

(f) A magistrate may not hear any jury trial on the merits. Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.066, eff. January 1, 2025.

Sec. 54.2206. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge or justice of the peace must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2207. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

(8) swear witnesses for hearings;

(9) make findings of fact on evidence;

(10) formulate conclusions of law;

(11) rule on a pretrial motion;

(12) recommend the rulings, orders, or judgment to be made in a case;

(13) regulate proceedings in a hearing;

(14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(15) select a jury;

(16) accept a negotiated plea on a probation

revocation;

(17) conduct a contested probation revocation hearing;

(18) sign a dismissal in a misdemeanor case;

(19) enter an order of dismissal or non-suit on agreement of the parties in a civil case;

(20) in any case referred under Section 54.2205(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilt and impose or suspend the sentence; or

(B) defer adjudication of guilt;

(21) conduct initial juvenile detention hearings if approved by the juvenile board of Collin County; and

(22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section 12.45, Penal Code.

(c) Except as provided by Sections 54.2205(e) and (f), a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2208. FORFEITURES. Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2209. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2210. CLERK. (a) The district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) The clerk of the case shall include as part of the record

on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2211. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2212. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2213. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2214. COSTS OF MAGISTRATE. The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines the nonprevailing party is able to pay those costs, the court shall assess the magistrate's costs against the nonprevailing party.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2215. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

Sec. 54.2216. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate appointed under this subchapter may act as a civil associate judge under Subchapter B, Chapter 54A. To the extent of any conflict with this subchapter, a magistrate acting as an associate judge shall comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.04, eff. September 1, 2019.

SUBCHAPTER NN. MAGISTRATES IN KERR COUNTY

Sec. 54.2301. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Kerr County may authorize the judges of the district and statutory county courts in Kerr County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Kerr County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Kerr County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Kerr County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Kerr County.
Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05, eff. September 1, 2019.

Sec. 54.2302. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

- (1) be a citizen of the United States;
- (2) have resided in Kerr County for at least the two years preceding the person's appointment; and
- (3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.2301 must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05, eff. September 1, 2019.

Sec. 54.2303. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Kerr County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Kerr County as established by the annual budget of Kerr County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. The per-hour salary is determined by dividing the annual salary by a 2,000 work-hour year. The local administrative judge of the district courts serving Kerr County shall approve the number of hours for which a part-time magistrate is to be paid.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05, eff. September 1, 2019.

Sec. 54.2304. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05,

eff. September 1, 2019.

Sec. 54.2305. TERMINATION OF EMPLOYMENT. (a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Kerr County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Kerr County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

(2) the final date of the magistrate's employment.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05, eff. September 1, 2019.

Sec. 54.2306. JURISDICTION; RESPONSIBILITY; POWERS.

(a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Kerr County Juvenile Board.

(f) With the express authorization of a justice of the peace, a magistrate may exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) A magistrate may:

- (1) issue notices of the setting of a case for a hearing;
- (2) conduct hearings;
- (3) compel production of evidence;
- (4) hear evidence;
- (5) issue summons for the appearance of witnesses;
- (6) swear witnesses for hearings;
- (7) regulate proceedings in a hearing; and
- (8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05, eff. September 1, 2019.

Sec. 54.2307. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The Commissioners Court of Kerr County shall provide:

(1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and

(2) sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.05, eff. September 1, 2019.

SUBCHAPTER OO. MAGISTRATES IN FORT BEND COUNTY

Sec. 54.2401. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Fort Bend County may authorize the judges of the district and statutory county courts in Fort Bend County to appoint one or more part-time or full-time magistrates to

perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Fort Bend County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Fort Bend County.

(c) An order appointing a magistrate must be signed by the local administrative judge and must state:

- (1) the magistrate's name; and
- (2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Fort Bend County.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2402. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

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

(b) A magistrate appointed under Section 54.2401 must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2403. COMPENSATION. A magistrate is entitled to the compensation set by the Commissioners Court of Fort Bend County. The compensation shall be paid from the general fund of the county.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2404. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2405. PROCEEDING THAT MAY BE REFERRED.

Text of subsection effective until January 01, 2025

(a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

Text of subsection effective on January 01, 2025

(a) The judge of a district court or county court at law or a justice of the peace may refer to a magistrate any case or matter relating to a case for proceedings involving:

(1) a negotiated plea of guilty or no contest and

sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55A, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilt;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition;

(14) selection of a jury; and

(15) any other matter the judge or justice of the peace considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) If the magistrate is acting as an associate judge under Section 54.2416, the magistrate may hear any case referred under Section 54A.106.

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

(f) A magistrate may not hear any jury trial on the merits.
Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06,
eff. September 1, 2019.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.067,
eff. January 1, 2025.

Sec. 54.2406. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge or justice of the peace must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket;
and

(7) set forth general powers and limitations of authority of the magistrate applicable to any case referred.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06,
eff. September 1, 2019.

Sec. 54.2407. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence in civil or criminal matters;

(4) rule on disputes regarding civil discovery;

(5) rule on admissibility of evidence;

(6) issue summons for the appearance of witnesses;

(7) examine witnesses;

- (8) swear witnesses for hearings;
- (9) make findings of fact on evidence;
- (10) formulate conclusions of law;
- (11) rule on a pretrial motion;
- (12) recommend the rulings, orders, or judgment to be made in a case;
- (13) regulate proceedings in a hearing;
- (14) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;
- (15) select a jury;
- (16) accept a negotiated plea on a probation revocation;
- (17) conduct a contested probation revocation hearing;
- (18) sign a dismissal in a misdemeanor case;
- (19) enter an order of dismissal or nonsuit on agreement of the parties in a civil case;
- (20) in any case referred under Section [54.2405\(a\)\(1\)](#), accept a negotiated plea of guilty or no contest and:
 - (A) enter a finding of guilt and impose or suspend the sentence; or
 - (B) defer adjudication of guilt;
- (21) conduct initial juvenile detention hearings if approved by the juvenile board of Fort Bend County; and
- (22) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider unadjudicated cases at sentencing under Section [12.45](#), Penal Code.

(c) Except as provided by Sections [54.2405\(e\)](#) and (f), a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. [891](#)), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2408. FORFEITURES. Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the same justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2409. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

(c) When a justice clerk is the clerk under this subchapter, the justice clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the justice courts.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2410. CLERK. (a) The district clerk serves as clerk of the magistrate court, except that:

(1) after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case; and

(2) after a Class C misdemeanor is filed in a justice court and assigned to the magistrate court, the originating justice court clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy justice clerks and deputy county clerks at the discretion of the district clerk.

(c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2411. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the magistrate.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2412. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2413. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2414. COSTS OF MAGISTRATE. The court shall determine if the nonprevailing party is able to defray the costs of the magistrate. If the court determines the nonprevailing party is able to pay those costs, the court shall assess the magistrate's costs against the nonprevailing party.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2415. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

Sec. 54.2416. MAGISTRATE AS ASSOCIATE JUDGE. A magistrate appointed under this subchapter may act as a civil associate judge under Subchapter B, Chapter 54A. To the extent of any conflict with this subchapter, a magistrate acting as an associate judge shall comply with provisions regarding the appointment, termination, referral of cases, powers, duties, and immunities of associate judges under Subchapter B, Chapter 54A.

Added by Acts 2019, 86th Leg., R.S., Ch. 606 (S.B. 891), Sec. 5.06, eff. September 1, 2019.

SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

Sec. 54.2501. CREATION. The Brazoria County Criminal Law

Magistrate Court is a court with the jurisdiction provided by this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2502. APPOINTMENT. (a) On recommendation from the local administrative judge, the commissioners court of Brazoria County may appoint one or more full- or part-time judges to preside over the criminal law magistrate court for the term determined by the commissioners court. The local administrative judge shall appoint one or more full- or part-time judges to preside over the criminal law magistrate court if the commissioners court is prohibited by law from appointing a judge.

(b) To be eligible for appointment as a judge of the criminal law magistrate court, a person must meet all the requirements and qualifications to serve as a district court judge.

(c) A judge of the criminal law magistrate court is entitled to the salary set by the commissioners court. The salary may not be less than the annual base salary paid to a district judge under Section [659.012](#)(a)(1) and must include compensation for services performed on behalf of Brazoria County.

(d) A judge appointed under this section serves at the pleasure of the commissioners court or the local administrative judge, as applicable.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.004, eff. September 1, 2023.

Sec. 54.2503. JURISDICTION. (a) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for county courts at law. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a misdemeanor offense, other than a Class C misdemeanor, on the merits if a jury trial is demanded; or

(2) hear a trial of a misdemeanor, other than a Class C misdemeanor, on the merits if a defendant pleads not guilty.

Text of subsection effective until January 01, 2025

(b) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as that term is defined by Article 2.09, Code of Criminal Procedure.

Text of subsection effective on January 01, 2025

(b) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as defined by Article 2A.151, Code of Criminal Procedure.

(c) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for a district court. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a felony offense on the merits if a jury trial is demanded;

(2) hear a trial of a felony offense on the merits if a defendant pleads not guilty;

(3) sentence in a felony case unless the judge in whose court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence; or

(4) hear any part of a capital murder case after indictment.

(d) A criminal law magistrate court may not issue writs of habeas corpus in felony cases but may hear and grant relief on a writ of habeas corpus issued by a district court and assigned by the district court to the criminal law magistrate court.

(e) A felony or misdemeanor indictment or information may not be filed in or transferred to the criminal law magistrate court.

(f) A judge of the criminal law magistrate court shall exercise jurisdiction granted by this subchapter over felony and misdemeanor indictments and informations only as judge presiding

for the court in which the indictment or information is pending and under the limitations set out in the assignment order by the assigning court or as provided by local administrative rules.

(g) The criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in Brazoria County.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 2.068, eff. January 1, 2025.

Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law magistrate court or a judge of the criminal law magistrate court may issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and may issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior jurisdiction in the county. The court and the judge may punish for contempt as provided by law for district courts. A judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

(1) justices of the peace when acting in a Class C misdemeanor case;

(2) county court at law judges when acting in a Class A or Class B misdemeanor case; and

(3) district court judges when acting in a felony case.

(b) A judge of the criminal law magistrate court may hold an indigency hearing and a capias pro fine hearing. When acting as the judge who issued the capias pro fine, a judge of the criminal law magistrate court may make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. In conducting a hearing under this subsection, the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in

accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

(c) A judge of the magistrate court may accept a plea of guilty or nolo contendere from a defendant charged with a misdemeanor or felony offense.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except as provided by Subsection (b) or local administrative rules, the local administrative judge or a judge of the criminal law magistrate court may transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

- (1) an unindicted felony case;
- (2) a Class A or Class B misdemeanor case if an information has not been filed; or
- (3) a Class C misdemeanor case.

(b) A case may not be transferred from or to the magistrate docket of a district court judge, county court at law judge, or justice of the peace without the consent of the judge of the court to which it is transferred.

(c) Except as provided by Subsection (d) or local administrative rules, the local administrative judge may assign a judge of the criminal law magistrate court to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

- (1) an unindicted felony case;
- (2) a Class A or Class B misdemeanor case if an information has not been filed; or
- (3) a Class C misdemeanor case.

(d) A case may not be assigned to a district court judge, county court at law judge, or justice of the peace without the assigned judge's consent.

(e) This section applies only to the district courts, county courts at law, and justice courts in the county.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district judge, county court at law judge, or justice of the peace may refer to a judge of the criminal law magistrate court any criminal case or matter relating to a criminal case for any proceeding other than presiding over a criminal trial on the merits, whether or not the trial is before a jury.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law magistrate court must take the constitutional oath of office prescribed for appointed officers.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal law magistrate court has the same judicial immunity as a district judge.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2509. CLERK. The clerk of a district court or county court at law that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2510. SHERIFF. The county sheriff, either in person or by deputy, shall attend the criminal law magistrate court as required by the judge of that court.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. [3774](#)), Sec. 5.03, eff. September 1, 2021.

Sec. 54.2511. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

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

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.03, eff. September 1, 2021.

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

Sec. 54.2601. APPOINTMENT. (a) The judges of the district courts of Tom Green County, with the consent and approval of the commissioners court of Tom Green County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of district judges, each magistrate shall serve equally in the courts of those judges.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2602. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the commissioners court of Tom Green County. The salary may not be less than an amount equal to

the salary, supplements, and allowances paid to a justice of the peace of Tom Green County as set by the annual budget of Tom Green County.

(b) A magistrate's salary is paid from the county fund available for payment of officers' salaries.

(c) The salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. The per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. The judges of the courts trying criminal cases in Tom Green County shall approve the number of hours for which a part-time magistrate is to be paid.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED.

Text of subsection effective until January 01, 2025

(a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

- (5) an examining trial;
- (6) an occupational driver's license;
- (7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;
- (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
- (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;
- (10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;
- (11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (12) specialty court proceedings;
- (13) a waiver of extradition; and
- (14) any other matter the judge considers necessary and proper.

Text of subsection effective on January 01, 2025

- (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:
 - (1) a negotiated plea of guilty or no contest and sentencing before the court;
 - (2) a bond forfeiture, remittitur, and related proceedings;
 - (3) a pretrial motion;
 - (4) a writ of habeas corpus;
 - (5) an examining trial;
 - (6) an occupational driver's license;
 - (7) a petition for an order of expunction under Chapter 55A, Code of Criminal Procedure;
 - (8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;
 - (9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the judge considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) A magistrate may select a jury. A magistrate may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A magistrate may not hear a jury trial on the merits of a bond forfeiture.

(f) A judge of a designated juvenile court may refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.069, eff. January 1, 2025.

Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular

acts, or only receive and report on evidence;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) provide the general powers and limitations of authority of the magistrate applicable to any case referred.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2608. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(14) select a jury;

(15) accept a negotiated plea on probation revocation;

(16) conduct a contested probation revocation hearing;

(17) sign a dismissal in a misdemeanor case;

(18) in any case referred under Section 54.656(a)(1),

accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilty and impose or suspend the sentence; or

(B) defer adjudication of guilty; and

(19) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider adjudicated cases at sentencing under Section 12.45, Penal Code.

(c) A magistrate has all the powers of a magistrate under the laws of this state and may administer an oath for any purpose. Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2609. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2610. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or

other action taken.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed under this subchapter is absent or unable to serve, the judge referring the case may appoint another magistrate to serve for the absent magistrate.

(b) A magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom the magistrate is serving.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

Sec. 54.2614. CLERK. The clerk of a district court that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 934 (H.B. 3774), Sec. 5.04, eff. September 1, 2021.

SUBCHAPTER RR. GRAYSON COUNTY CRIMINAL MAGISTRATES

Sec. 54.2701. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Grayson County may authorize the judges of the district and statutory county courts in Grayson County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Grayson County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Grayson County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Grayson County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Grayson County.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.005, eff. September 1, 2023.

Sec. 54.2702. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must be a resident of this state and:

(1) have served as a justice of the peace or municipal court judge for at least four years before the date of appointment; or

(2) have been licensed to practice law in this state for at least four years before the date of appointment.

(b) A magistrate appointed under Section 54.2701 must take the constitutional oath of office required of appointed officers of this state.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.005, eff. September 1, 2023.

Sec. 54.2703. COMPENSATION. A magistrate is entitled to the salary determined by the Commissioners Court of Grayson County. Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.005, eff. September 1, 2023.

Sec. 54.2704. JURISDICTION. A magistrate has concurrent

criminal jurisdiction with the judges of the justice of the peace courts of Grayson County.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.005, eff. September 1, 2023.

Sec. 54.2705. POWERS AND DUTIES. (a) The Commissioners Court of Grayson County shall establish the powers and duties of a magistrate appointed under this subchapter. Except as otherwise provided by the commissioners court, a magistrate has the powers of a magistrate under the Code of Criminal Procedure and other laws of this state and may administer an oath for any purpose.

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

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

- (1) give admonishments;
- (2) set and review bail and conditions of release;
- (3) appoint legal counsel; and
- (4) determine other routine matters relating to preindictment or pending cases within those courts' jurisdiction.

(d) In the hearings described by Subsection (c), a magistrate shall give preference to the case of an individual held in county jail.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.005, eff. September 1, 2023.

Sec. 54.2706. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.005, eff. September 1, 2023.

Sec. 54.2707. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for

perjury and aggravated perjury provided by law.

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

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.005, eff. September 1, 2023.

SUBCHAPTER SS. DENTON COUNTY CRIMINAL LAW MAGISTRATE COURT

Sec. 54.2801. CREATION. The Denton County Criminal Law Magistrate Court is a court with the jurisdiction provided by this subchapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2802. APPOINTMENT; OVERSIGHT. (a) The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County shall appoint one or more judges to preside over the criminal law magistrate court. An appointed judge must:

(1) serve Denton County as a district court judge, a criminal statutory county court judge, an associate judge of a court with criminal jurisdiction, a magistrate, including a jail magistrate, a judge of a municipal court of record, or a justice of the peace;

(2) be a licensed attorney in good standing with the State Bar of Texas;

(3) be authorized to access criminal history records under state and federal law;

(4) have completed training necessary to serve as a magistrate in Denton County, as determined by the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County; and

(5) meet the qualifications under Section [54.2807](#).

(b) The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of

Denton County shall:

(1) designate to oversee the criminal law magistrate court either:

(A) one district court judge and one criminal statutory county court judge; or

(B) a criminal law magistrate court associate judge appointed under Section [54.2805](#); and

(2) supervise the magistrate court to ensure the magistrates appointed give preference to duties under Chapters [14](#), [15](#), [16](#), [17](#), and [18](#), Code of Criminal Procedure.

(c) The magistrates of the criminal law magistrate court shall comply with the standing orders and directives regarding criminal cases of the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County, including a presiding criminal judge of Denton County.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2803. JURISDICTION. (a) Except as provided by Subsection (b), the criminal law magistrate court has the criminal jurisdiction provided for magistrates by the constitution and laws of this state in all criminal cases:

(1) alleging an offense other than an offense punishable only as a Class C misdemeanor;

(2) for which a magistrate or judge has determined there is probable cause to believe the defendant committed the crime alleged;

(3) in which the defendant has been released or is confined in the Denton County jail; and

(4) in which either:

(A) the defendant has not yet been charged by information or indictment; or

(B) the judge presiding over the case has specifically authorized the criminal law magistrate to take certain actions.

(b) The criminal law magistrate court and the criminal law

magistrate court associate judge do not have jurisdiction to:

(1) hear a trial on the merits of an offense, except as provided by Section [54.2811\(c\)](#); or

(2) take any action not specifically authorized by an order of referral from the judge presiding in a criminal case in which the defendant has been charged by information or indictment.

(c) The magisterial duties in a criminal case shall be transferred to the criminal law magistrate court:

(1) on request of a presiding judge in a criminal case for which the defendant has been charged by information or indictment; or

(2) after a defendant has been transferred to the custody of the Denton County jail or released from custody on bond in Denton County.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2804. POWERS AND DUTIES. The criminal law magistrate court may:

(1) determine probable cause for purposes of an arrest or search;

(2) issue an order of commitment, a warrant of arrest, or an order of protection;

(3) perform the duty of a magistrate under Chapters [14](#), [15](#), [16](#), [17](#), and [18](#), Code of Criminal Procedure;

(4) reduce or modify a bond, find a bond ordered by another judge or magistrate to be insufficient, or require conditions of a bond;

(5) hear any motion filed in a case over which the court has jurisdiction;

(6) administer oaths; and

(7) perform an action on a proceeding referred to the magistrate under Section [54.2811](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2805. CRIMINAL LAW MAGISTRATE COURT ASSOCIATE

JUDGE. The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County may, with the approval of the Commissioners Court of Denton County and two-thirds of the district court and criminal statutory county court judges, appoint a district or criminal statutory county court judge qualified under Section 54.2807 as the criminal law magistrate court associate judge to:

(1) serve the district and criminal county courts of Denton County;

(2) oversee the criminal law magistrate court; and

(3) recommend for appointment full-time and part-time jail magistrates.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2806. JAIL MAGISTRATE. (a) The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County may, with the approval of the Commissioners Court of Denton County, appoint by joint standing order one or more full-time jail magistrates qualified to serve under Section 54.2807.

(b) A jail magistrate has the jurisdiction provided by the constitution and laws of this state for magistrates for criminal cases in which the defendant is in the custody of Denton County jail and has not yet been charged with a criminal offense by complaint, information, or indictment.

(c) A jail magistrate shall ensure timely compliance with Article 15.17, Code of Criminal Procedure, in all cases within the magistrate's jurisdiction, give preference to performing the duties of a magistrate under that article, and perform the following duties:

(1) consider sworn complaints or affidavits establishing probable cause and entering orders of release or commitment;

(2) conduct hearings under Article 15.17, Code of Criminal Procedure, provide warnings, and advise a defendant of the defendant's right to counsel;

(3) determine if a defendant is indigent and in need of appointed counsel;

(4) set, adjust, or revoke a bond;

(5) set the conditions of bond;

(6) conduct an examining trial;

(7) issue search and arrest warrants;

(8) issue magistrate's orders of emergency protection;

and

(9) with the express authorization of a justice of the peace, exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(d) A jail magistrate may be assigned additional duties by the criminal law magistrate court associate judge appointed under Section [54.2805](#).

(e) A jail magistrate has the express authority and duty to:

(1) order the release of defendant due to an extraordinary medical condition;

(2) consider information and make inquiries regarding a defendant's mental health;

(3) issue orders or writs as necessary for the evaluation, treatment, and accommodation of a defendant's mental health issue; and

(4) communicate with the Denton County local mental health authority or another qualified mental health professional to provide continuing care to a defendant.

(f) In addition to the full-time jail magistrates appointed under Subsection (a), the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County may appoint or engage by joint standing order one or more part-time jail magistrates to serve as a jail magistrate as assigned. A part-time jail magistrate must be qualified to serve as a magistrate in the county under Section [54.2807](#) and be a sitting district, statutory county, or municipal court judge or a justice of the peace in Denton County.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec.

4.006, eff. September 1, 2023.

Sec. 54.2807. QUALIFICATIONS. To be eligible for appointment as the criminal law magistrate court associate judge, a jail magistrate, or another magistrate in the criminal law magistrate court, a person must:

(1) have been a resident of Denton County for at least two years preceding the person's appointment; and

(2) have been licensed to practice law in this state for at least four years.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2808. COMPENSATION. A criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court shall be paid a total annual salary set by the Commissioners Court of Denton County. The salary shall be paid in a manner and from a fund determined by the commissioners court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2809. JUDICIAL IMMUNITY. A criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court has the same judicial immunity as a district judge.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2810. TERMINATION OF SERVICES. (a) Except as provided by Subsection (b), a criminal law magistrate court associate judge, a jail magistrate, and each other magistrate in the criminal law magistrate court may be terminated by a two-thirds vote of the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County.

(b) A part-time jail magistrate serves solely at the

discretion of a criminal law magistrate court associate judge appointed under Section 54.2805 or of the district court judge and criminal statutory county court judge designated to oversee the criminal law magistrate court under Section 54.2802(b).

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2811. PROCEEDING THAT MAY BE REFERRED. (a) A district court judge with jurisdiction in Denton County, the judge of a criminal statutory county court of Denton County, or the judge of the juvenile court of Denton County may refer to the criminal law magistrate court the following matters in a criminal case:

(1) a negotiated plea of guilty or no contest before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) jury selection;

(7) an occupational driver's license;

(8) a waiver of extradition or a related matter under Chapter 51, Code of Criminal Procedure;

(9) the issuance of search warrants, including a search warrant under Article 18.02(a)(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure;

(10) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(11) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(12) a civil commitment matter under Subtitle C, Title 7, Health and Safety Code;

(13) setting, adjusting, or revoking bond;

(14) the conduct of initial juvenile detention hearings or any other matter in a juvenile case if referred by the judge of the juvenile court of the county and approved by the Denton

County Juvenile Board; and

(15) any other matter the judge considers necessary and proper.

(b) Except as limited by an order of referral, the criminal law magistrate court associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for the appearance of witnesses;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on pretrial motions;
- (11) recommend the rulings, orders, or judgment to be made in a case;
- (12) regulate proceedings in a hearing before the associate judge;
- (13) accept a negotiated plea of guilty or no contest made before the court and:
 - (A) enter a finding of guilty and impose or suspend the sentence; or
 - (B) defer adjudication of guilt;
- (14) select a jury;
- (15) accept a negotiated plea in a probation revocation;
- (16) conduct a contested probation revocation hearing;
- (17) sign a dismissal in a misdemeanor case; and
- (18) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(c) Notwithstanding Section [54.2803\(b\)](#), the judge of the juvenile court of Denton County may refer to the criminal law magistrate court associate judge any proceeding over which the juvenile court has exclusive original jurisdiction under Title 3,

Family Code, including any matter ancillary to that proceeding. The criminal law magistrate court associate judge may accept a plea of guilty for a misdemeanor or felony or a plea of true from a defendant or juvenile, regardless of the classification of the offense charged or the conduct alleged.

(d) The criminal law magistrate court associate judge may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the judge, or on dockets called by the judge, and may consider unadjudicated cases at sentencing under Section 12.45, Penal Code.

(e) A criminal law magistrate, including the criminal law magistrate court associate judge, has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2812. ORDER OF REFERRAL. (a) To refer one or more cases to the criminal law magistrate court or the criminal law magistrate court associate judge, a judge must issue a written order of referral that specifies the magistrate court's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate court and direct the magistrate to report only on specific issues, perform particular acts, or receive and report on evidence only;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) set forth general powers and limitations or authority of the magistrate applicable to any case referred.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2813. FORFEITURES. Bail bonds and personal bonds may be forfeited by the criminal law magistrate court or the criminal law magistrate court associate judge in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with:

(1) the district clerk if associated with a felony case;

(2) the county clerk if associated with a Class A or Class B misdemeanor case; or

(3) the justice court clerk associated with the Class C misdemeanor case in which the bond was originally filed.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2814. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate or the criminal law magistrate court associate judge shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2815. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate or the criminal law magistrate court associate judge.

(b) If the referring court does not modify, correct, reject, reverse, or recommit an action of the magistrate or the criminal law magistrate court associate judge, the action becomes the decree of the referring court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. 3474), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2816. EXCHANGE OF BENCHES. (a) The judges of the criminal law magistrate court may exchange benches and may sit and

act for each other in any proceeding pending in the criminal law magistrate court.

(b) When conducting a *capias pro fine* hearing for any court, the criminal law magistrate court acts in the same capacity and with the same authority as the judge who issued the *capias pro fine*.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2817. COURT REPORTER. At the request of a party in a criminal case, the criminal law magistrate court shall provide a court reporter to record the proceedings before the magistrate.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2818. WITNESS. (a) A witness who appears before the criminal law magistrate court and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the referring court.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2819. CLERK. (a) The district clerk serves as clerk of the criminal law magistrate court, except that after a Class A or Class B misdemeanor is filed in the county court at law and assigned to the magistrate court, the county clerk serves as clerk for that misdemeanor case.

(b) The district clerk shall establish a docket and keep the minutes for the cases filed in or transferred to the magistrate court. The district clerk shall perform any other duties that local administrative rules require in connection with the implementation of this subchapter. The local administrative judge shall ensure that the duties required under this subsection are performed. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies

of the district clerk may serve as deputy county clerks at the discretion of the district clerk.

(c) The clerk of the case shall include as part of the record on appeal a copy of the order and local administrative rule under which a magistrate court acted.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.

Sec. 54.2820. COSTS. (a) When the district clerk is the clerk under this subchapter, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the criminal law magistrate court that are charged in the district courts.

(b) When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

Added by Acts 2023, 88th Leg., R.S., Ch. 861 (H.B. [3474](#)), Sec. 4.006, eff. September 1, 2023.