



# Magistrate Court

July 2019



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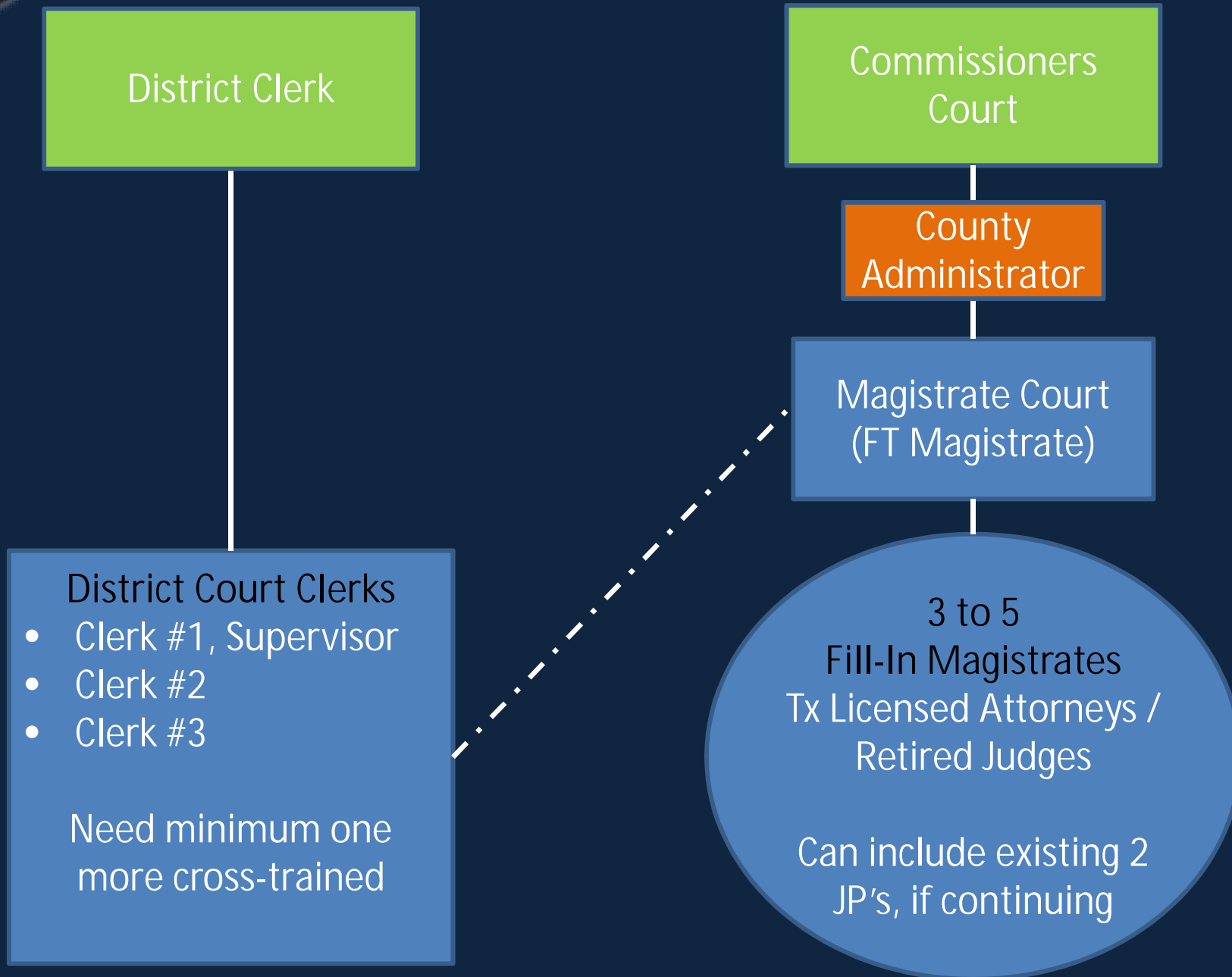
# Project Resources

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- Collin County Resources
  - Project input received from personnel within the following departments
    - Criminal District Courts, County Courts at Law, Justice of the Peace Courts (Pct 1), District Attorney's Office, District Clerk's Office, Sheriff's Office Adult Detention Center, Indigent Defense
  - Supporting information collected from Budget, Human Resources, Information Technology and Purchasing
- Other Counties with a centralized magistrate function surveyed for structure, operations, process and compensation data include:
  - Dallas, Bexar, Tarrant, Travis, Denton, Williamson, Cameron, Lubbock, Webb and Burnet
  - Harris County – Not yet responded



# Personnel / Structure





# Magistrate Court Role – October 1

- Magistrate 7 days a week, 365 days a year
  - Twice daily at 9am and 4/5pm
- Handle all duties prescribed by Article 15.17 of the Code of Criminal Procedure
  - Primary Article 15.17 Duties
    - Determine whether probable cause exists to keep a defendant in custody
    - Administer legal warnings to those accused of crimes
    - Issue necessary orders or writs
      - E.g., emergency protection, interlock devices
    - Set bail and any bond conditions
- Other Duties
  - Modify or revoke bonds and bond conditions previously set by the magistrate as long as case has not been filed with a trial court (approx. 2-4 hrs/week)
  - Accept pleas on arrests on out of county warrants for fine only Misdemeanors
  - Issue emergency mental health detention warrants
  - Issue blood search warrants under Article 18.02(10) – ATTORNEYS ONLY
  - Issue search and arrest warrants
  - Conduct examining trials (Article 39 Tx CCP)
    - Requires a Court Reporter
- Referred Duties
  - Provided the Precinct JP is willing to agree to a Bench Agreement, handle a negotiated plea of guilty or no contest for in-county Misdemeanor Class C's for that precinct
    - All JPs have agreed to continue this practice with the new magistrate
- Ensure a record of all proceedings is maintained

Requires public access to court proceedings, so use of an AUX courtroom



# Transition Challenges/Risks

- People
  - Risk of loss of existing Magistrate Court Clerks
    - Mitigation: District Clerk established communication with Mag. Supervisor on 6/18. District Clerk personnel attended the July 3<sup>rd</sup> morning magistration to understand the process and begin the relationship
- System
  - How to set-up this Magistrate Court in Odyssey? Solution must be recommended to the Odyssey Change Control Board before the end of July
    - Mitigation: District Clerk personnel will discuss with Travis and Williamson County which have both a centralized magistrate department and Odyssey
  - Unknown impact of anticipated Odyssey upgrade in August.
    - If implemented, eSignature functionality should improve how Judge signatures are utilized in Forms
    - Expect to need to organize forms differently through addition of new Form Types to Odyssey



## Transition Challenges/Risks (cont'd)

- Facility
  - Arraignment Room availability is a scarce resource
    - Collin County District Court felony pleas are M/W/F at 1:30pm and use both the Arraignment room and the Judge's chambers. This will need to be worked out or moved to another area. Attorneys and Probation are also present for these felony pleas
      - Jail Administrator cautions against moving felony pleas into Arraignment room itself in current physical configuration
    - Once the full time Magistrate is hired, this space will be further limited
    - Mitigation: Talks have started regarding who uses the room and when. McKinney may no longer be able to do their pleas, at least during the magistrate's hours
  - Magistration should be available to public. Providing the video via attorney or PIO request is sufficient, but some counties are moving to a monitor with a "live" feed in the jail lobby or courtroom elsewhere. **This may need to be addressed in the future**



# Recommendations - Staffing

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- Magistrate
  - 1 Full Time Attorney
    - See Job Description – Word document
  - Legal Grade 588 compensation is recommended, with salary set on an individual basis according to experience and qualifications
    - Min: \$113,175
    - Mid: \$134,904
    - Max: \$156,634
- Fill-In Contract Magistrates and JP
  - Fill-In Contractors
    - \$125 per session, excluding holidays
    - \$175 per session on Collin County approved holiday
  - Annual option for JPs to elect to be a Fill-In Magistrate based on pre-set # of sessions criteria as required by law
    - Recommend FY20 proposal to JPs of \$10,000 for 100 sessions minimum, with at least 6 on holidays (3 holidays x 2) and 48 on weekends (1 weekend/month = 4 sessions)
    - Hearings by JP's filling in for the Magistrate will remain under the jurisdiction of the Magistrate Court
- Existing Clerks
  - Transition from JP to District Clerk headcount





# Recommendations – FY19 Budget Needs

## FY19 BUDGET ITEMS

- ✓ Magistrate Judge salary and benefits – 1 month: \$12,100
- ✓ Technology for Magistrate Judge
- ✓ Technology for Fill-In Magistrate Judges
- ✓ Furniture



Requested Budget  
Amendment  
\$23,050

*Excludes \$ paid from IT  
Telecom Shared (\*), since  
no additional funds are  
needed*

### Magistrate Computer

Laptop	\$	2,383
Laptop Bag	\$	64
Software:		
Odyssey	\$	-
Jabber License	\$	260
Adobe Pro	\$	67
EA License	\$	634
NetMotion	\$	250
Webcam	\$	100
MiFi*	\$	456
Extra Monitor	\$	128
Extra Docking Station	\$	143

### Fill-in Magistrate Computer

Desktop	\$	1,157
Software:		
Odyssey	\$	-
Jabber License	\$	260
Adobe Pro	\$	67
EA License	\$	634
Webcam	\$	100

### Additional Equipment

Printer	\$	925
Scanner	\$	870
Smartphone	\$	288
Smartphone Service*	\$	625
Switch	\$	400
Furniture	\$	2,220

Total Technology & Furniture	\$	12,031
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# Recommendations – FY20 Initial Budget

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- FY20 Budget
  - Magistrate Judge salary and benefits: \$145,193
  - Fill-In Contractors & JPs: \$38,250
  - Dues and subscriptions – \$1,220
    - \$500 State Bar, Certification
    - \$720 West Law subscription (non-departmental cost)
  - Education \$2,500
  - Library Books \$1,500
  - Printed Materials \$100

**Current Estimate \$188,763**

# Appendix A: Future Magistrate Court



# Roles & Responsibilities – Future Opportunities

County  
Court at  
Law –  
Potential  
Referred  
Duties

- Offender is in Jail
  - Misdemeanor A&B Pleas following County Courts at Law guidelines – currently transported to courthouse on T/TH mornings (2 hrs @ = 4 hrs/week)
- Offender is Out of Jail
  - DWI Writ bond hearings – on Monday following DWI charge, offender appears before court to determine if DLD needed
  - DWI bond violations – as occur, hearing to revoke bond or issue a SCRAM/GPS monitor

Requires  
Expanded  
Magistrate  
Department  
Hours

- Issue Warrants following County Courts at Law guidelines
  - Search warrants
    - Esp. Blood Warrants (18.01)
  - Arrest warrants



# Roles & Responsibilities – Future Opportunities

