

BILL SUMMARY
2nd Session of the 57th Legislature

Bill No.:	HB 3851
Version:	Committee Substitute
Request Number:	11421
Author:	Rep. Kannady
Date:	3/5/2020
Impact:	\$0; Absorbable, if any

Research Analysis

The committee substitute for HB 3851 defines *military magistrate* as a licensed attorney certified by the state judge advocate who conducts reviews on pre-referral matters relating to the rights of victims or investigative subpoenas or who conducts appellate proceedings on behalf of the Military Court of Appeals. The adjutant general is given the authority to promulgate regulations regarding the appointment of military magistrates. Additionally, the measure allows magistrates to issue an investigative subpoena before referral of charges to a court-martial and punish any person found in contempt of court. Magistrates are prohibited from subpoenaing wire or electronic communications.

The measure also allows commanding officers to mitigate any punishment they have previously imposed and makes parole applicable to any person in confinement, penal, or correctional institution under the control of the state military forces or the Department of Corrections.

Prepared By: Emily McPherson

Fiscal Analysis

The committee substitute for HB 3851 adds two new sections to the introduced version and creates an emergency clause.

The changes of the committee substitute for HB 3851 do not alter the previous fiscal impact statement.

Prepared By: Clayton Mayfield

Other Considerations

None.