

AN ACT

relating to rules for setting the amount of bail, to the release of certain defendants on a monetary bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Damon Allen Act.

SECTION 2. Article 1.07, Code of Criminal Procedure, is amended to read as follows:

Art. 1.07. RIGHT TO BAIL. Any person ~~[All prisoners]~~ shall be eligible for bail ~~[bailable]~~ unless denial of bail is expressly permitted by the Texas Constitution or by other law ~~[for capital offenses when the proof is evident]~~. This provision may ~~[shall]~~ not be ~~[so]~~ construed ~~[as]~~ to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

SECTION 3. Article 15.17(a), Code of Criminal Procedure, is amended to read as follows:

(a) In each case enumerated in this Code, the person making the arrest or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some magistrate of the county where the accused was arrested

1 or, to provide more expeditiously to the person arrested the  
2 warnings described by this article, before a magistrate in any  
3 other county of this state. The arrested person may be taken before  
4 the magistrate in person or the image of the arrested person may be  
5 presented to the magistrate by means of a videoconference. The  
6 magistrate shall inform in clear language the person arrested,  
7 either in person or through a videoconference, of the accusation  
8 against him and of any affidavit filed therewith, of his right to  
9 retain counsel, of his right to remain silent, of his right to have  
10 an attorney present during any interview with peace officers or  
11 attorneys representing the state, of his right to terminate the  
12 interview at any time, and of his right to have an examining trial.  
13 The magistrate shall also inform the person arrested of the  
14 person's right to request the appointment of counsel if the person  
15 cannot afford counsel. The magistrate shall inform the person  
16 arrested of the procedures for requesting appointment of counsel.  
17 If applicable, the magistrate shall inform the person that the  
18 person may file the affidavit described by Article 17.028(f). If  
19 the person does not speak and understand the English language or is  
20 deaf, the magistrate shall inform the person in a manner consistent  
21 with Articles 38.30 and 38.31, as appropriate. The magistrate  
22 shall ensure that reasonable assistance in completing the necessary  
23 forms for requesting appointment of counsel is provided to the  
24 person at the same time. If the person arrested is indigent and  
25 requests appointment of counsel and if the magistrate is authorized  
26 under Article 26.04 to appoint counsel for indigent defendants in  
27 the county, the magistrate shall appoint counsel in accordance with

1 Article 1.051. If the magistrate is not authorized to appoint  
2 counsel, the magistrate shall without unnecessary delay, but not  
3 later than 24 hours after the person arrested requests appointment  
4 of counsel, transmit, or cause to be transmitted to the court or to  
5 the courts' designee authorized under Article 26.04 to appoint  
6 counsel in the county, the forms requesting the appointment of  
7 counsel. The magistrate shall also inform the person arrested that  
8 he is not required to make a statement and that any statement made  
9 by him may be used against him. The magistrate shall allow the  
10 person arrested reasonable time and opportunity to consult counsel  
11 and shall, after determining whether the person is currently on  
12 bail for a separate criminal offense and whether the bail decision  
13 is subject to Article 17.027, admit the person arrested to bail if  
14 allowed by law. A record of the communication between the arrested  
15 person and the magistrate shall be made. The record shall be  
16 preserved until the earlier of the following dates: (1) the date on  
17 which the pretrial hearing ends; or (2) the 91st day after the date  
18 on which the record is made if the person is charged with a  
19 misdemeanor or the 120th day after the date on which the record is  
20 made if the person is charged with a felony. For purposes of this  
21 subsection, "videoconference" means a two-way electronic  
22 communication of image and sound between the arrested person and  
23 the magistrate and includes secure Internet videoconferencing.

24 SECTION 4. Article 17.02, Code of Criminal Procedure, is  
25 amended to read as follows:

26 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a  
27 written undertaking entered into by the defendant and the

1 defendant's sureties for the appearance of the principal therein  
2 before a court or magistrate to answer a criminal accusation;  
3 provided, however, that the defendant on execution of the bail bond  
4 may deposit with the custodian of funds of the court in which the  
5 prosecution is pending current money of the United States in the  
6 amount of the bond in lieu of having sureties signing the same. Any  
7 cash funds deposited under this article shall be receipted for by  
8 the officer receiving the funds and, on order of the court, be  
9 refunded in the amount shown on the face of the receipt less the  
10 administrative fee authorized by Section 117.055, Local Government  
11 Code, if applicable, after the defendant complies with the  
12 conditions of the defendant's bond, to:

13 (1) any person in the name of whom a receipt was  
14 issued, including the defendant if a receipt was issued to the  
15 defendant; or

16 (2) the defendant, if no other person is able to  
17 produce a receipt for the funds.

18 SECTION 5. Chapter 17, Code of Criminal Procedure, is  
19 amended by adding Articles 17.021, 17.022, 17.023, 17.024, 17.027,  
20 and 17.028 to read as follows:

21 Art. 17.021. PUBLIC SAFETY REPORT SYSTEM. (a) The Office  
22 of Court Administration of the Texas Judicial System shall develop  
23 and maintain a public safety report system that is available for use  
24 for purposes of Article 17.15.

25 (b) The public safety report system must:

26 (1) state the requirements for setting bail under  
27 Article 17.15 and list each factor provided by Article 17.15(a);

1           (2) provide the defendant's name and date of birth or,  
2 if impracticable, other identifying information, the cause number  
3 of the case, if available, and the offense for which the defendant  
4 was arrested;

5           (3) provide information on the eligibility of the  
6 defendant for a personal bond;

7           (4) provide information regarding the applicability  
8 of any required or discretionary bond conditions;

9           (5) provide, in summary form, the criminal history of  
10 the defendant, including information regarding any:

11                   (A) previous misdemeanor or felony convictions;

12                   (B) pending charges;

13                   (C) previous sentences imposing a term of  
14 confinement;

15                   (D) previous convictions or pending charges for:

16                           (i) offenses that are offenses involving  
17 violence as defined by Article 17.03; or

18                           (ii) offenses involving violence directed  
19 against a peace officer; and

20                   (E) previous failures of the defendant to appear  
21 in court following release on bail; and

22           (6) be designed to collect and maintain the  
23 information provided on a bail form submitted under Section 72.038,  
24 Government Code.

25           (c) The office shall provide access to the public safety  
26 report system to the appropriate officials in each county and each  
27 municipality at no cost. This subsection may not be construed to

1 require the office to provide an official or magistrate with any  
2 equipment or support related to accessing or using the public  
3 safety report system.

4 (d) The public safety report system may not:

5 (1) be the only item relied on by a judge or magistrate  
6 in making a bail decision;

7 (2) include a score, rating, or assessment of a  
8 defendant's risk or make any recommendation regarding the  
9 appropriate bail for the defendant; or

10 (3) include any information other than the information  
11 listed in Subsection (b).

12 (e) The office shall use the information maintained under  
13 Subsection (b)(6) to collect data from the preceding state fiscal  
14 year regarding the number of defendants for whom bail was set after  
15 arrest, including:

16 (1) the number for each category of offense;

17 (2) the number of personal bonds; and

18 (3) the number of monetary bonds.

19 (f) Not later than December 1 of each year, the office shall  
20 submit a report containing the data described by Subsection (e) to  
21 the governor, lieutenant governor, speaker of the house of  
22 representatives, and presiding officers of the standing committees  
23 of each house of the legislature with primary jurisdiction over the  
24 judiciary.

25 (g) The Department of Public Safety shall assist the office  
26 in implementing the public safety report system established under  
27 this article and shall provide criminal history record information

1 to the office in the electronic form necessary for the office to  
2 implement this article.

3 (h) Any contract for goods or services between the office  
4 and a vendor that may be necessary or appropriate to develop the  
5 public safety report system is exempt from the requirements of  
6 Subtitle D, Title 10, Government Code. This subsection expires  
7 September 1, 2022.

8 Art. 17.022. PUBLIC SAFETY REPORT. (a) A magistrate  
9 considering the release on bail of a defendant charged with an  
10 offense punishable as a Class B misdemeanor or any higher category  
11 of offense shall order that:

12 (1) the personal bond office established under Article  
13 17.42 for the county in which the defendant is being detained, if a  
14 personal bond office has been established for that county, or other  
15 suitably trained person including judicial personnel or sheriff's  
16 department personnel, use the public safety report system developed  
17 under Article 17.021 to prepare a public safety report with respect  
18 to the defendant; and

19 (2) the public safety report prepared under  
20 Subdivision (1) be provided to the magistrate as soon as  
21 practicable but not later than 48 hours after the defendant's  
22 arrest.

23 (b) A magistrate may not, without the consent of the  
24 sheriff, order a sheriff or sheriff's department personnel to  
25 prepare a public safety report under this article.

26 (c) Notwithstanding Subsection (a), a magistrate may  
27 personally prepare a public safety report, before or while making a

1 bail decision, using the public safety report system developed  
2 under Article 17.021.

3 (d) The magistrate shall:

4 (1) consider the public safety report before setting  
5 bail; and

6 (2) promptly but not later than 72 hours after the time  
7 bail is set, submit the bail form described by Section 72.038,  
8 Government Code, in accordance with that section.

9 (e) In the manner described by this article, a magistrate  
10 may, but is not required to, order, prepare, or consider a public  
11 safety report in setting bail for a defendant charged only with a  
12 misdemeanor punishable by fine only or a defendant who receives a  
13 citation under Article 14.06(c). If ordered, the report shall be  
14 prepared for the time and place for an appearance as indicated in  
15 the citation.

16 (f) A magistrate may set bail for a defendant charged only  
17 with an offense punishable as a misdemeanor without ordering,  
18 preparing, or considering a public safety report if the public  
19 safety report system is unavailable for longer than 12 hours due to  
20 a technical failure at the Office of Court Administration of the  
21 Texas Judicial System.

22 Art. 17.023. AUTHORITY TO RELEASE ON BAIL IN CERTAIN CASES.

23 (a) This article applies only to a defendant charged with an  
24 offense that is:

25 (1) punishable as a felony; or

26 (2) a misdemeanor punishable by confinement.

27 (b) Notwithstanding any other law, a defendant to whom this

1 article applies may be released on bail only by a magistrate who is:

2 (1) any of the following:

3 (A) a resident of this state;

4 (B) a justice of the peace serving under Section  
5 27.054 or 27.055, Government Code; or

6 (C) a judge or justice serving under Chapter 74,  
7 Government Code; and

8 (2) in compliance with the training requirements of  
9 Article 17.024.

10 (c) A magistrate is not eligible to release on bail a  
11 defendant described by Subsection (a) if the magistrate:

12 (1) has been removed from office by impeachment, by  
13 the supreme court, by the governor on address to the legislature, by  
14 a tribunal reviewing a recommendation of the State Commission on  
15 Judicial Conduct, or by the legislature's abolition of the  
16 magistrate's court; or

17 (2) has resigned from office after having received  
18 notice that formal proceedings by the State Commission on Judicial  
19 Conduct have been instituted as provided by Section 33.022,  
20 Government Code, and before final disposition of the proceedings.

21 Art. 17.024. TRAINING ON DUTIES REGARDING BAIL. (a) The  
22 Office of Court Administration of the Texas Judicial System shall,  
23 in consultation with the court of criminal appeals, develop or  
24 approve training courses regarding a magistrate's duties,  
25 including duties with respect to setting bail in criminal cases.  
26 The courses developed must include:

27 (1) an eight-hour initial training course that

1 includes the content of the applicable training course described by  
2 Article 17.0501; and

3 (2) a two-hour continuing education course.

4 (b) The office shall provide for a method of certifying that  
5 a magistrate has successfully completed a training course required  
6 under this article and has demonstrated competency of the course  
7 content in a manner acceptable to the office.

8 (c) A magistrate is in compliance with the training  
9 requirements of this article if:

10 (1) not later than the 90th day after the date the  
11 magistrate takes office, the magistrate successfully completes the  
12 course described by Subsection (a)(1);

13 (2) the magistrate successfully completes the course  
14 described by Subsection (a)(2) in each subsequent state fiscal  
15 biennium in which the magistrate serves; and

16 (3) the magistrate demonstrates competency as  
17 provided by Subsection (b).

18 (c-1) Notwithstanding Subsection (c), a magistrate who is  
19 serving on April 1, 2022, is considered to be in compliance with  
20 Subsection (c)(1) if the magistrate successfully completes the  
21 training course not later than December 1, 2022. This subsection  
22 expires May 1, 2023.

23 (d) Any course developed or approved by the office under  
24 this article may be administered by the Texas Justice Court  
25 Training Center, the Texas Municipal Courts Education Center, the  
26 Texas Association of Counties, the Texas Center for the Judiciary,  
27 or a similar entity.

1       Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH  
2 FELONY OFFENSE COMMITTED WHILE ON BAIL. (a) Notwithstanding any  
3 other law:

4           (1) if a defendant is charged with committing an  
5 offense punishable as a felony while released on bail in a pending  
6 case for another offense punishable as a felony and the subsequent  
7 offense was committed in the same county as the previous offense,  
8 the defendant may be released on bail only by:

9                   (A) the court before whom the case for the  
10 previous offense is pending; or

11                   (B) another court designated in writing by the  
12 court described by Paragraph (A); and

13           (2) if a defendant is charged with committing an  
14 offense punishable as a felony while released on bail for another  
15 pending offense punishable as a felony and the subsequent offense  
16 was committed in a different county than the previous offense,  
17 electronic notice of the charge must be promptly given to the court  
18 specified by Subdivision (1) for purposes of reevaluating the bail  
19 decision, determining whether any bail conditions were violated, or  
20 taking any other applicable action.

21           (b) This article may not be construed to extend any deadline  
22 provided by Article 15.17.

23       Art. 17.028. BAIL DECISION. (a) Without unnecessary delay  
24 but not later than 48 hours after a defendant is arrested, a  
25 magistrate shall order, after individualized consideration of all  
26 circumstances and of the factors required by Article 17.15(a), that  
27 the defendant be:

1           (1) granted personal bond with or without conditions;

2           (2) granted surety or cash bond with or without  
3 conditions; or

4           (3) denied bail in accordance with the Texas  
5 Constitution and other law.

6           (b) In setting bail under this article, the magistrate shall  
7 impose the least restrictive conditions, if any, and the personal  
8 bond or cash or surety bond necessary to reasonably ensure the  
9 defendant's appearance in court as required and the safety of the  
10 community, law enforcement, and the victim of the alleged offense.

11           (c) In each criminal case, unless specifically provided by  
12 other law, there is a rebuttable presumption that bail, conditions  
13 of release, or both bail and conditions of release are sufficient to  
14 reasonably ensure the defendant's appearance in court as required  
15 and the safety of the community, law enforcement, and the victim of  
16 the alleged offense.

17           (c-1) Subsections (b) and (c) may not be construed as  
18 requiring the court to hold an evidentiary hearing that is not  
19 required by other law.

20           (d) A judge may not adopt a bail schedule or enter a standing  
21 order related to bail that:

22               (1) is inconsistent with this article; or

23               (2) authorizes a magistrate to make a bail decision  
24 for a defendant without considering each of the factors in Article  
25 17.15(a).

26           (e) A defendant who is denied bail or who is unable to give  
27 bail in the amount required by any bail schedule or standing order

1 related to bail shall be provided with the warnings described by  
2 Article 15.17.

3 (f) A defendant who is charged with an offense punishable as  
4 a Class B misdemeanor or any higher category of offense and who is  
5 unable to give bail in the amount required by a schedule or order  
6 described by Subsection (e), other than a defendant who is denied  
7 bail, shall be provided with the opportunity to file with the  
8 applicable magistrate a sworn affidavit in substantially the  
9 following form:

10 "On this \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, I have been advised by  
11 \_\_\_\_\_ (name of the court or magistrate, as applicable) of the  
12 importance of providing true and complete information about my  
13 financial situation in connection with the charge pending against  
14 me. I am without means to pay \_\_\_\_\_ and I hereby request that an  
15 appropriate bail be set. (signature of defendant)."

16 (g) A defendant filing an affidavit under Subsection (f)  
17 shall complete a form to allow a magistrate to assess information  
18 relevant to the defendant's financial situation. The form must be  
19 the form used to request appointment of counsel under Article 26.04  
20 or a form promulgated by the Office of Court Administration of the  
21 Texas Judicial System that collects, at a minimum and to the best of  
22 the defendant's knowledge, the information a court may consider  
23 under Article 26.04(m).

24 (g-1) The magistrate making the bail decision under  
25 Subsection (a) shall, if applicable:

26 (1) inform the defendant of the defendant's right to  
27 file an affidavit under Subsection (f); and

1           (2) ensure that the defendant receives reasonable  
2 assistance in completing the affidavit described by Subsection (f)  
3 and the form described by Subsection (g).

4           (h) A defendant described by Subsection (f) may file an  
5 affidavit under Subsection (f) at any time before or during the bail  
6 proceeding under Subsection (a). A defendant who files an  
7 affidavit under Subsection (f) is entitled to a prompt review by the  
8 magistrate on the bail amount. The review may be conducted by the  
9 magistrate making the bail decision under Subsection (a) or may  
10 occur as a separate pretrial proceeding. The magistrate shall  
11 consider the facts presented and the rules established by Article  
12 17.15(a) and shall set the defendant's bail. If the magistrate does  
13 not set the defendant's bail in an amount below the amount required  
14 by the schedule or order described by Subsection (e), the  
15 magistrate shall issue written findings of fact supporting the bail  
16 decision.

17           (i) The judges of the courts trying criminal cases and other  
18 magistrates in a county must report to the Office of Court  
19 Administration of the Texas Judicial System each defendant for whom  
20 a review under Subsection (h) was not held within 48 hours of the  
21 defendant's arrest. If a delay occurs that will cause the review  
22 under Subsection (h) to be held later than 48 hours after the  
23 defendant's arrest, the magistrate or an employee of the court or of  
24 the county in which the defendant is confined must provide notice of  
25 the delay to the defendant's counsel or to the defendant, if the  
26 defendant does not have counsel.

27           (j) The magistrate may enter an order or take other action

1 authorized by Article 16.22 with respect to a defendant who does not  
2 appear capable of executing an affidavit under Subsection (f).

3 (k) This article may not be construed to require the filing  
4 of an affidavit before a magistrate considers the defendant's  
5 ability to make bail under Article 17.15.

6 (l) A written or oral statement obtained under this article  
7 or evidence derived from the statement may be used only to determine  
8 whether the defendant is indigent, to impeach the direct testimony  
9 of the defendant, or to prosecute the defendant for an offense under  
10 Chapter 37, Penal Code.

11 (m) Notwithstanding Subsection (a), a magistrate may make a  
12 bail decision regarding a defendant who is charged only with a  
13 misdemeanor punishable by fine only or a defendant who receives a  
14 citation under Article 14.06(c) without considering the factor  
15 required by Article 17.15(a)(6).

16 SECTION 6. (a) Article 17.03, Code of Criminal Procedure,  
17 as effective September 1, 2021, is amended by amending Subsection  
18 (b) and adding Subsections (b-2) and (b-3) to read as follows:

19 (b) Only the court before whom the case is pending may  
20 release on personal bond a defendant who:

21 (1) is charged with an offense under the following  
22 sections of the Penal Code:

- 23 (A) [~~Section 19.03 (Capital Murder),~~  
24 [~~(B) Section 20.04 (Aggravated Kidnapping),~~  
25 [~~(C) Section 22.021 (Aggravated Sexual Assault),~~  
26 [~~(D) Section 22.03 (Deadly Assault on Law~~  
27 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~

1 ~~Pardons and Paroles, or Court Participant);~~

2 [~~(E) Section 22.04 (Injury to a Child, Elderly~~  
3 ~~Individual, or Disabled Individual);~~

4 [~~(F) Section 29.03 (Aggravated Robbery);~~

5 [~~(G)] Section 30.02 (Burglary); or~~

6 (B) [~~(H)] Section 71.02 (Engaging in Organized~~  
7 Criminal Activity);

8 [~~(I) Section 21.02 (Continuous Sexual Abuse of~~  
9 ~~Young Child or Disabled Individual); or~~

10 [~~(J) Section 20A.03 (Continuous Trafficking of~~  
11 ~~Persons);]~~

12 (2) is charged with a felony under Chapter 481, Health  
13 and Safety Code, or Section 485.033, Health and Safety Code,  
14 punishable by imprisonment for a minimum term or by a maximum fine  
15 that is more than a minimum term or maximum fine for a first degree  
16 felony; or

17 (3) does not submit to testing for the presence of a  
18 controlled substance in the defendant's body as requested by the  
19 court or magistrate under Subsection (c) of this article or submits  
20 to testing and the test shows evidence of the presence of a  
21 controlled substance in the defendant's body.

22 (b-2) Except as provided by Articles 15.21, 17.033, and  
23 17.151, a defendant may not be released on personal bond if the  
24 defendant:

25 (1) is charged with an offense involving violence; or

26 (2) while released on bail or community supervision  
27 for an offense involving violence, is charged with committing:

1                    (A) any offense punishable as a felony; or  
2                    (B) an offense under the following provisions of  
3 the Penal Code:

- 4                    (i) Section 22.01(a)(1) (assault);  
5                    (ii) Section 22.05 (deadly conduct);  
6                    (iii) Section 22.07 (terroristic threat);  
7 or  
8                    (iv) Section 42.01(a)(7) or (8) (disorderly  
9 conduct involving firearm).

10            (b-3) In this article:

11                    (1) "Controlled substance" has the meaning assigned by  
12 Section 481.002, Health and Safety Code.

13                    (2) "Offense involving violence" means an offense  
14 under the following provisions of the Penal Code:

- 15                    (A) Section 19.02 (murder);  
16                    (B) Section 19.03 (capital murder);  
17                    (C) Section 20.03 (kidnapping);  
18                    (D) Section 20.04 (aggravated kidnapping);  
19                    (E) Section 20A.02 (trafficking of persons);  
20                    (F) Section 20A.03 (continuous trafficking of  
21 persons);  
22                    (G) Section 21.02 (continuous sexual abuse of  
23 young child or disabled individual);  
24                    (H) Section 21.11 (indecent with a child);  
25                    (I) Section 22.01(a)(1) (assault), if the  
26 offense is:

27                    (i) punishable as a felony of the second

1 degree under Subsection (b-2) of that section; or  
2 (ii) punishable as a felony and involved  
3 family violence as defined by Section 71.004, Family Code;  
4 (J) Section 22.011 (sexual assault);  
5 (K) Section 22.02 (aggravated assault);  
6 (L) Section 22.021 (aggravated sexual assault);  
7 (M) Section 22.04 (injury to a child, elderly  
8 individual, or disabled individual);  
9 (N) Section 25.072 (repeated violation of  
10 certain court orders or conditions of bond in family violence,  
11 child abuse or neglect, sexual assault or abuse, indecent assault,  
12 stalking, or trafficking case);  
13 (O) Section 25.11 (continuous violence against  
14 the family);  
15 (P) Section 29.03 (aggravated robbery);  
16 (Q) Section 38.14 (taking or attempting to take  
17 weapon from peace officer, federal special investigator, employee  
18 or official of correctional facility, parole officer, community  
19 supervision and corrections department officer, or commissioned  
20 security officer);  
21 (R) Section 43.04 (aggravated promotion of  
22 prostitution), if the defendant is not alleged to have engaged in  
23 conduct constituting an offense under Section 43.02(a);  
24 (S) Section 43.05 (compelling prostitution); or  
25 (T) Section 43.25 (sexual performance by a  
26 child).

27 (b) This section takes effect on the 91st day after the last

1 day of the legislative session if this Act does not receive a vote  
2 of two-thirds of all the members elected to each house, as provided  
3 by Section 39, Article III, Texas Constitution. If this Act  
4 receives a vote of two-thirds of all the members elected to each  
5 house, as provided by Section 39, Article III, Texas Constitution,  
6 this section has no effect.

7 SECTION 7. (a) Article 17.03, Code of Criminal Procedure,  
8 is amended by amending Subsection (b) and adding Subsections (b-2)  
9 and (b-3) to read as follows:

10 (b) Only the court before whom the case is pending may  
11 release on personal bond a defendant who:

12 (1) is charged with an offense under the following  
13 sections of the Penal Code:

- 14 (A) [~~Section 19.03 (Capital Murder)~~],  
15 [~~(B) Section 20.04 (Aggravated Kidnapping)~~],  
16 [~~(C) Section 22.021 (Aggravated Sexual Assault)~~],  
17 [~~(D) Section 22.03 (Deadly Assault on Law~~  
18 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~  
19 ~~Pardons and Paroles, or Court Participant)~~],  
20 [(E) Section 22.04 (Injury to a Child, Elderly  
21 Individual, or Disabled Individual)],  
22 [(F) Section 29.03 (Aggravated Robbery)],  
23 [(G)] Section 30.02 (Burglary); or  
24 (B) [(H)] Section 71.02 (Engaging in Organized  
25 Criminal Activity);  
26 [(I) Section 21.02 (Continuous Sexual Abuse of  
27 Young Child or Children)]; or

1                    [~~(J) Section 20A.03 (Continuous Trafficking of~~  
2 ~~Persons),]~~

3                    (2) is charged with a felony under Chapter 481, Health  
4 and Safety Code, or Section 485.033, Health and Safety Code,  
5 punishable by imprisonment for a minimum term or by a maximum fine  
6 that is more than a minimum term or maximum fine for a first degree  
7 felony; or

8                    (3) does not submit to testing for the presence of a  
9 controlled substance in the defendant's body as requested by the  
10 court or magistrate under Subsection (c) of this article or submits  
11 to testing and the test shows evidence of the presence of a  
12 controlled substance in the defendant's body.

13                    (b-2) Except as provided by Articles 15.21, 17.033, and  
14 17.151, a defendant may not be released on personal bond if the  
15 defendant:

16                    (1) is charged with an offense involving violence; or

17                    (2) while released on bail or community supervision  
18 for an offense involving violence, is charged with committing:

19                    (A) any offense punishable as a felony; or

20                    (B) an offense under the following provisions of  
21 the Penal Code:

22                    (i) Section 22.01(a)(1) (assault);

23                    (ii) Section 22.05 (deadly conduct);

24                    (iii) Section 22.07 (terroristic threat);

25 or

26                    (iv) Section 42.01(a)(7) or (8) (disorderly  
27 conduct involving firearm).

1           (b-3) In this article:

2                   (1) "Controlled substance" has the meaning assigned by  
3 Section 481.002, Health and Safety Code.

4                   (2) "Offense involving violence" means an offense  
5 under the following provisions of the Penal Code:

6                           (A) Section 19.02 (murder);

7                           (B) Section 19.03 (capital murder);

8                           (C) Section 20.03 (kidnapping);

9                           (D) Section 20.04 (aggravated kidnapping);

10                          (E) Section 20A.02 (trafficking of persons);

11                          (F) Section 20A.03 (continuous trafficking of  
12 persons);

13                          (G) Section 21.02 (continuous sexual abuse of  
14 young child or children);

15                           (H) Section 21.11 (indecent with a child);

16                          (I) Section 22.01(a)(1) (assault), if the  
17 offense is:

18                                   (i) punishable as a felony of the second  
19 degree under Subsection (b-2) of that section; or

20                                   (ii) punishable as a felony and involved  
21 family violence as defined by Section 71.004, Family Code;

22                           (J) Section 22.011 (sexual assault);

23                           (K) Section 22.02 (aggravated assault);

24                           (L) Section 22.021 (aggravated sexual assault);

25                          (M) Section 22.04 (injury to a child, elderly  
26 individual, or disabled individual);

27                           (N) Section 25.072 (repeated violation of

1 certain court orders or conditions of bond in family violence,  
2 child abuse or neglect, sexual assault or abuse, indecent assault,  
3 stalking, or trafficking case);

4 (O) Section 25.11 (continuous violence against  
5 the family);

6 (P) Section 29.03 (aggravated robbery);

7 (Q) Section 38.14 (taking or attempting to take  
8 weapon from peace officer, federal special investigator, employee  
9 or official of correctional facility, parole officer, community  
10 supervision and corrections department officer, or commissioned  
11 security officer);

12 (R) Section 43.04 (aggravated promotion of  
13 prostitution);

14 (S) Section 43.05 (compelling prostitution); or

15 (T) Section 43.25 (sexual performance by a  
16 child).

17 (b) This section takes effect immediately if this Act  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section 39, Article III, Texas Constitution.  
20 If this Act does not receive a vote of two-thirds of all the members  
21 elected to each house, as provided by Section 39, Article III, Texas  
22 Constitution, this section has no effect.

23 SECTION 8. Chapter 17, Code of Criminal Procedure, is  
24 amended by adding Article 17.0501 to read as follows:

25 Art. 17.0501. REQUIRED TRAINING. The Department of Public  
26 Safety shall develop training courses that relate to the use of the  
27 statewide telecommunications system maintained by the department

1 and that are directed to each magistrate, judge, sheriff, peace  
2 officer, or jailer required to obtain criminal history record  
3 information under this chapter, as necessary to enable the person  
4 to fulfill those requirements.

5 SECTION 9. Chapter 17, Code of Criminal Procedure, is  
6 amended by adding Article 17.071 to read as follows:

7 Art. 17.071. CHARITABLE BAIL ORGANIZATIONS. (a) In this  
8 article, "charitable bail organization" means a person who accepts  
9 and uses donations from the public to deposit money with a court in  
10 the amount of a defendant's bail bond. The term does not include:

11 (1) a person accepting donations with respect to a  
12 defendant who is a member of the person's family, as determined  
13 under Section 71.003, Family Code; or

14 (2) a nonprofit corporation organized for a religious  
15 purpose.

16 (b) This article does not apply to a charitable bail  
17 organization that pays a bail bond for not more than three  
18 defendants in any 180-day period.

19 (c) A person may not act as a charitable bail organization  
20 for the purpose of paying a defendant's bail bond in a county unless  
21 the person:

22 (1) is a nonprofit organization exempt from federal  
23 income taxation under Section 501(a), Internal Revenue Code of  
24 1986, as an organization described by Section 501(c)(3) of that  
25 code; and

26 (2) has been issued a certificate under Subsection (d)  
27 with respect to that county.

1       (d) A county clerk shall issue to a charitable bail  
2 organization a certificate authorizing the organization to pay bail  
3 bonds in the county if the clerk determines the organization is:

4           (1) a nonprofit organization described by Subsection  
5 (c)(1); and

6           (2) current on all filings required by the Internal  
7 Revenue Code.

8       (e) A charitable bail organization shall file in the office  
9 of the county clerk of each county where the organization intends to  
10 pay bail bonds an affidavit designating the individuals authorized  
11 to pay bonds on behalf of the organization.

12       (f) Not later than the 10th day of each month, a charitable  
13 bail organization shall submit, to the sheriff of each county in  
14 which the organization files an affidavit under Subsection (e), a  
15 report that includes the following information for each defendant  
16 for whom the organization paid a bail bond in the preceding calendar  
17 month:

18           (1) the name of the defendant;

19           (2) the cause number of the case;

20           (3) the county in which the applicable charge is  
21 pending, if different from the county in which the bond was paid;  
22 and

23           (4) any dates on which the defendant has failed to  
24 appear in court as required for the charge for which the bond was  
25 paid.

26       (f-1) A sheriff who receives a report under Subsection (f)  
27 shall provide a copy of the report to the Office of Court

1 Administration of the Texas Judicial System.

2 (g) A charitable bail organization may not pay a bail bond  
3 for a defendant at any time the organization is considered to be out  
4 of compliance with the reporting requirements of this article.

5 (h) The sheriff of a county may suspend a charitable bail  
6 organization from paying bail bonds in the county for a period not  
7 to exceed one year if the sheriff determines the organization has  
8 paid one or more bonds in violation of this article and the  
9 organization has received a warning from the sheriff in the  
10 preceding 12-month period for another payment of bond made in  
11 violation of this article. The sheriff shall report the suspension  
12 to the Office of Court Administration of the Texas Judicial System.

13 (i) Chapter 22 applies to a bail bond paid by a charitable  
14 bail organization.

15 (j) A charitable bail organization may not accept a premium  
16 or compensation for paying a bail bond for a defendant.

17 (k) Not later than December 1 of each year, the Office of  
18 Court Administration of the Texas Judicial System shall prepare and  
19 submit, to the governor, lieutenant governor, speaker of the house  
20 of representatives, and presiding officers of the standing  
21 committees of each house of the legislature with primary  
22 jurisdiction over the judiciary, a report regarding the information  
23 submitted to the office under Subsections (f-1) and (h) for the  
24 preceding state fiscal year.

25 SECTION 10. (a) Article 17.15, Code of Criminal Procedure,  
26 is amended to read as follows:

27 Art. 17.15. RULES FOR SETTING [~~FIXING~~] AMOUNT OF BAIL.

1 (a) The amount of bail and any conditions of bail to be required in  
2 any case in which the defendant has been arrested ~~[is]~~ to be  
3 regulated by the court, judge, magistrate, or officer taking the  
4 bail in accordance with Articles 17.20, 17.21, and 17.22 and~~+~~  
5 ~~they~~ are ~~[to be]~~ governed ~~[in the exercise of this discretion]~~ by  
6 the Constitution and ~~[by]~~ the following rules:

7 1. Bail and any conditions of bail ~~[The bail]~~ shall be  
8 sufficient ~~[sufficiently high]~~ to give reasonable assurance that  
9 the undertaking will be complied with.

10 2. The power to require bail is not to be ~~[so]~~ used  
11 ~~[as]~~ to make bail ~~[it]~~ an instrument of oppression.

12 3. The nature of the offense and the circumstances  
13 under which the offense ~~[it]~~ was committed are to be considered,  
14 including whether the offense:

15 (A) is an offense involving violence as defined  
16 by Article 17.03; or

17 (B) involves violence directed against a peace  
18 officer.

19 4. The ability to make bail shall ~~[is to]~~ be considered  
20 ~~[regarded]~~, and proof may be taken on ~~[upon]~~ this point.

21 5. The future safety of a victim of the alleged  
22 offense, law enforcement, and the community shall be considered.

23 6. The criminal history record information for the  
24 defendant, including information obtained through the statewide  
25 telecommunications system maintained by the Department of Public  
26 Safety and through the public safety report system developed under  
27 Article 17.021, shall be considered, including any acts of family

1 violence, other pending criminal charges, and any instances in  
2 which the defendant failed to appear in court following release on  
3 bail.

4 7. The citizenship status of the defendant shall be  
5 considered.

6 (a-1) Notwithstanding any other law, the duties imposed by  
7 Subsection (a)(6) with respect to obtaining and considering  
8 information through the public safety report system do not apply  
9 until April 1, 2022. This subsection expires June 1, 2022.

10 (b) For purposes of determining whether clear and  
11 convincing evidence exists to deny a person bail under Section 11d,  
12 Article I, Texas Constitution, a magistrate shall consider all  
13 information relevant to the factors listed in Subsection (a).

14 (c) In this article, "family violence" has the meaning  
15 assigned by Section 71.004, Family Code.

16 (b) Article 17.15(a), Code of Criminal Procedure, as  
17 amended by this Act, and Article 17.15(c), as added by this Act,  
18 take effect immediately if this Act receives a vote of two-thirds of  
19 all the members elected to each house, as provided by Section 39,  
20 Article III, Texas Constitution. If this Act does not receive the  
21 vote necessary for immediate effect, Article 17.15(a), Code of  
22 Criminal Procedure, as amended by this Act, and Article 17.15(c),  
23 as added by this Act, take effect on the 91st day after the last day  
24 of the legislative session.

25 SECTION 11. Article 17.20, Code of Criminal Procedure, is  
26 amended to read as follows:

27 Art. 17.20. BAIL IN MISDEMEANOR. (a) In cases of

1 misdemeanor, the sheriff or other peace officer, or a jailer  
2 licensed under Chapter 1701, Occupations Code, may, whether during  
3 the term of the court or in vacation, where the officer has a  
4 defendant in custody, take the defendant's [~~of the defendant a~~]  
5 bail [~~bond~~].

6 (b) Before taking bail under this article, the sheriff,  
7 peace officer, or jailer shall obtain the defendant's criminal  
8 history record information through the statewide  
9 telecommunications system maintained by the Department of Public  
10 Safety and through the public safety report system developed under  
11 Article 17.021.

12 (c) Notwithstanding Subsection (b), a sheriff, peace  
13 officer, or jailer may make a bail decision regarding a defendant  
14 who is charged only with a misdemeanor punishable by fine only or a  
15 defendant who receives a citation under Article 14.06(c) without  
16 considering the factor required by Article 17.15(a)(6).

17 (d) If the defendant is charged with or has previously been  
18 convicted of an offense involving violence as defined by Article  
19 17.03, the sheriff, officer, or jailer may not set the amount of the  
20 defendant's bail but may take the defendant's bail in the amount set  
21 by the court.

22 SECTION 12. Article 17.22, Code of Criminal Procedure, is  
23 amended to read as follows:

24 Art. 17.22. MAY TAKE BAIL IN FELONY. (a) In a felony case,  
25 if the court before which the case [~~same~~] is pending is not in  
26 session in the county where the defendant is in custody, the sheriff  
27 or other peace officer, or a jailer licensed under Chapter 1701,

1 Occupations Code, who has the defendant in custody may take the  
2 defendant's bail [~~bond~~] in the [~~such~~] amount set [~~as may have been~~  
3 ~~fixed~~] by the court or magistrate, or if no amount has been set  
4 [~~fixed~~], then in any [~~such~~] amount that the [~~as such~~] officer  
5 considers [~~may consider~~] reasonable and that is in compliance with  
6 Article 17.15.

7 (b) Before taking bail under this article, the sheriff,  
8 peace officer, or jailer shall obtain the defendant's criminal  
9 history record information through the statewide  
10 telecommunications system maintained by the Department of Public  
11 Safety and through the public safety report system developed under  
12 Article 17.021.

13 (c) If the defendant is charged with or has previously been  
14 convicted of an offense involving violence as defined by Article  
15 17.03, the sheriff, officer, or jailer may not set the amount of the  
16 defendant's bail but may take the defendant's bail in the amount set  
17 by the court.

18 SECTION 13. Chapter 17, Code of Criminal Procedure, is  
19 amended by adding Articles 17.51, 17.52, and 17.53 to read as  
20 follows:

21 Art. 17.51. NOTICE OF CONDITIONS. (a) As soon as  
22 practicable but not later than the next business day after the date  
23 a magistrate issues an order imposing a condition of release on bond  
24 for a defendant or modifying or removing a condition previously  
25 imposed, the clerk of the court shall send a copy of the order to:

26 (1) the appropriate attorney representing the state;  
27 and

1           (2) the sheriff of the county where the defendant  
2 resides.

3           (b) A clerk of the court may delay sending a copy of the  
4 order under Subsection (a) only if the clerk lacks information  
5 necessary to ensure service and enforcement.

6           (c) If an order described by Subsection (a) prohibits a  
7 defendant from going to or near a child care facility or school, the  
8 clerk of the court shall send a copy of the order to the child care  
9 facility or school.

10           (d) The copy of the order and any related information may be  
11 sent electronically or in another manner that can be accessed by the  
12 recipient.

13           (e) The magistrate or the magistrate's designee shall  
14 provide written notice to the defendant of:

15                   (1) the conditions of release on bond; and

16                   (2) the penalties for violating a condition of  
17 release.

18           (f) The magistrate shall make a separate record of the  
19 notice provided to the defendant under Subsection (e).

20           (g) The Office of Court Administration of the Texas Judicial  
21 System shall promulgate a form for use by a magistrate or a  
22 magistrate's designee in providing notice to the defendant under  
23 Subsection (e). The form must include the relevant statutory  
24 language from the provisions of this chapter under which a  
25 condition of release on bond may be imposed on a defendant.

26           Art. 17.52. REPORTING OF CONDITIONS. A chief of police or  
27 sheriff who receives a copy of an order described by Article

1 17.51(a), or the chief's or sheriff's designee, shall, as soon as  
2 practicable but not later than the 10th day after the date the copy  
3 is received, enter information relating to the condition of release  
4 into the appropriate database of the statewide law enforcement  
5 information system maintained by the Department of Public Safety or  
6 modify or remove information, as appropriate.

7 Art. 17.53. PROCEDURES AND FORMS RELATED TO MONETARY BOND.

8 The Office of Court Administration of the Texas Judicial System  
9 shall develop statewide procedures and prescribe forms to be used  
10 by a court to facilitate:

11 (1) the refund of any cash funds paid toward a monetary  
12 bond, with an emphasis on refunding those funds to the person in  
13 whose name the receipt described by Article 17.02 was issued; and

14 (2) the application of those cash funds to the  
15 defendant's outstanding court costs, fines, and fees.

16 SECTION 14. Article 66.102(c), Code of Criminal Procedure,  
17 is amended to read as follows:

18 (c) Information in the computerized criminal history system  
19 relating to an arrest must include:

20 (1) the offender's name;

21 (2) the offender's state identification number;

22 (3) the arresting law enforcement agency;

23 (4) the arrest charge, by offense code and incident  
24 number;

25 (5) whether the arrest charge is a misdemeanor or  
26 felony;

27 (6) the date of the arrest;

1           (7) for an offender released on bail, whether a  
2 warrant was issued for any subsequent failure of the offender to  
3 appear in court;

4           (8) the exact disposition of the case by a law  
5 enforcement agency following the arrest; and

6           (9) [~~8~~] the date of disposition of the case by the  
7 law enforcement agency.

8           SECTION 15. Section 27.005, Government Code, is amended by  
9 amending Subsection (a) and adding Subsection (c) to read as  
10 follows:

11           (a) For purposes of removal under Chapter 87, Local  
12 Government Code, "incompetency" in the case of a justice of the  
13 peace includes the failure of the justice to successfully complete:

14           (1) within one year after the date the justice is first  
15 elected:

16                   (A) [~~7~~] an 80-hour course in the performance of  
17 the justice's duties; and

18                   (B) the course described by Article  
19 17.024(a)(1), Code of Criminal Procedure;

20           (2) each following year, a 20-hour course in the  
21 performance of the justice's duties, including not less than 10  
22 hours of instruction regarding substantive, procedural, and  
23 evidentiary law in civil matters; and

24           (3) each following state fiscal biennium, the course  
25 described by Article 17.024(a)(2), Code of Criminal Procedure.

26           (c) A course described by Subsection (a)(1)(A) may include a  
27 course described by Subsection (a)(1)(B).

1 SECTION 16. Subchapter C, Chapter 71, Government Code, is  
2 amended by adding Section 71.0351 to read as follows:

3 Sec. 71.0351. BAIL AND PRETRIAL RELEASE INFORMATION. (a)  
4 As a component of the official monthly report submitted to the  
5 Office of Court Administration of the Texas Judicial System under  
6 Section 71.035, the clerk of each court setting bail in criminal  
7 cases shall report:

8 (1) the number of defendants for whom bail was set  
9 after arrest, including:

10 (A) the number for each category of offense;

11 (B) the number of personal bonds; and

12 (C) the number of surety or cash bonds;

13 (2) the number of defendants released on bail who  
14 subsequently failed to appear;

15 (3) the number of defendants released on bail who  
16 subsequently violated a condition of release; and

17 (4) the number of defendants who committed an offense  
18 while released on bail or community supervision.

19 (b) The office shall post the information in a publicly  
20 accessible place on the agency's Internet website without  
21 disclosing any personal information of any defendant, judge, or  
22 magistrate.

23 (c) Not later than December 1 of each year, the office shall  
24 submit a report containing the data collected under this section  
25 during the preceding state fiscal year to the governor, lieutenant  
26 governor, speaker of the house of representatives, and presiding  
27 officers of the standing committees of each house of the

1 legislature with primary jurisdiction over the judiciary.

2 SECTION 17. Subchapter C, Chapter 72, Government Code, is  
3 amended by adding Section 72.038 to read as follows:

4 Sec. 72.038. BAIL FORM. (a) The office shall promulgate a  
5 form to be completed by a magistrate, judge, sheriff, peace  
6 officer, or jailer who sets bail under Chapter 17, Code of Criminal  
7 Procedure, for a defendant charged with an offense punishable as a  
8 Class B misdemeanor or any higher category of offense. The office  
9 shall incorporate the completed forms into the public safety report  
10 system developed under Article 17.021, Code of Criminal Procedure.

11 (b) The form must:

12 (1) state the cause number of the case, if available,  
13 the defendant's name and date of birth, and the offense for which  
14 the defendant was arrested;

15 (2) state the name and the office or position of the  
16 person setting bail;

17 (3) require the person setting bail to:

18 (A) identify the bail type, the amount of the  
19 bail, and any conditions of bail;

20 (B) certify that the person considered each  
21 factor provided by Article 17.15(a), Code of Criminal Procedure;  
22 and

23 (C) certify that the person considered the  
24 information provided by the public safety report system; and

25 (4) be electronically signed by the person setting the  
26 bail.

27 (c) The person setting bail, an employee of the court that

1 set the defendant's bail, or an employee of the county in which the  
2 defendant's bail was set must, on completion of the form required  
3 under this section, promptly but not later than 72 hours after the  
4 time the defendant's bail is set provide the form electronically to  
5 the office through the public safety report system.

6 (d) The office shall publish the information from each form  
7 submitted under this section in a database that is publicly  
8 accessible on the office's Internet website. Any identifying  
9 information or sensitive data, as defined by Rule 21c, Texas Rules  
10 of Civil Procedure, regarding the victim of an offense and any  
11 person's address or contact information shall be redacted and may  
12 not be published under this subsection.

13 SECTION 18. (a) Section 411.083(c), Government Code, is  
14 amended to read as follows:

15 (c) The department may disseminate criminal history record  
16 information under Subsection (b)(1) only for a criminal justice  
17 purpose. The department may disseminate criminal history record  
18 information under Subsection (b)(2) only for a purpose specified in  
19 the statute or order. The department may disseminate criminal  
20 history record information under Subsection (b)(4), (5), or (6)  
21 only for a purpose approved by the department and only under rules  
22 adopted by the department. The department may disseminate criminal  
23 history record information under Subsection (b)(7) only to the  
24 extent necessary for a county or district clerk to perform a duty  
25 imposed by law to collect and report criminal court disposition  
26 information. Criminal history record information disseminated to a  
27 clerk under Subsection (b)(7) may be used by the clerk only to

1 ensure that information reported by the clerk to the department is  
2 accurate and complete. The dissemination of information to a clerk  
3 under Subsection (b)(7) does not affect the authority of the clerk  
4 to disclose or use information submitted by the clerk to the  
5 department. The department may disseminate criminal history record  
6 information under Subsection (b)(8) only to the extent necessary  
7 for the office of court administration to perform a duty imposed by  
8 law, including the development and maintenance of the public safety  
9 report system as required by Article 17.021, Code of Criminal  
10 Procedure, or to compile court statistics or prepare reports. The  
11 office of court administration may disclose criminal history record  
12 information obtained from the department under Subsection (b)(8):

13           (1) in a public safety report prepared under Article  
14 17.022, Code of Criminal Procedure; or

15           (2) in a statistic compiled by the office or a report  
16 prepared by the office, but only in a manner that does not identify  
17 the person who is the subject of the information.

18           (b) This section takes effect on the 91st day after the last  
19 day of the legislative session.

20           SECTION 19. Section [117.055](#), Local Government Code, is  
21 amended by amending Subsection (a) and adding Subsections (a-1) and  
22 (a-2) to read as follows:

23           (a) Except as provided by Subsection (a-1), to [~~T~~o]  
24 compensate the county for the accounting and administrative  
25 expenses incurred in handling the registry funds that have not  
26 earned interest, including funds in a special or separate account,  
27 the clerk shall, at the time of withdrawal, deduct from the amount

1 of the withdrawal a fee in an amount equal to five percent of the  
2 withdrawal but that may not exceed \$50. Withdrawal of funds  
3 generated from a case arising under the Family Code is exempt from  
4 the fee deduction provided by this section.

5 (a-1) A clerk may not deduct a fee under Subsection (a) from  
6 a withdrawal of funds generated by the collection of a cash bond or  
7 cash bail bond if in the case for which the bond was taken:

8 (1) the defendant was found not guilty after a trial or  
9 appeal; or

10 (2) the complaint, information, or indictment was  
11 dismissed without a plea of guilty or nolo contendere being  
12 entered.

13 (a-2) On the request of a person to whom withdrawn funds  
14 generated by the collection of a cash bond or cash bail bond were  
15 disbursed, the clerk shall refund to the person the amount of the  
16 fee deducted under Subsection (a) if:

17 (1) subsequent to the deduction, a court makes or  
18 enters an order or ruling in the case for which the bond was taken;  
19 and

20 (2) had the court made or entered the order or ruling  
21 before the withdrawal of funds occurred, the deduction under  
22 Subsection (a) would have been prohibited under Subsection (a-1).

23 SECTION 20. Article 17.03(f), Code of Criminal Procedure,  
24 is repealed.

25 SECTION 21. As soon as practicable but not later than April  
26 1, 2022, the Office of Court Administration of the Texas Judicial  
27 System shall create the public safety report system developed under

1 Article 17.021, Code of Criminal Procedure, as added by this Act,  
2 and any related forms and materials and shall provide to the  
3 appropriate officials in each county and each municipality access  
4 to the system, forms, and materials at no cost. If those items are  
5 made available before April 1, 2022, the office shall notify each  
6 court clerk, judge or other magistrate, and office of an attorney  
7 representing the state.

8 SECTION 22. (a) As soon as practicable but not later than  
9 April 1, 2022, the Office of Court Administration of the Texas  
10 Judicial System shall:

11 (1) promulgate the forms required by Articles  
12 17.028(g) and 17.51(g), Code of Criminal Procedure, as added by  
13 this Act, and by Section 72.038, Government Code, as added by this  
14 Act; and

15 (2) develop or approve and make available the training  
16 courses and certification method as described by Article 17.024,  
17 Code of Criminal Procedure, as added by this Act, and develop the  
18 procedures and prescribe the forms required by Article 17.53, Code  
19 of Criminal Procedure, as added by this Act.

20 (b) If the items described by Subsection (a) of this section  
21 are made available before April 1, 2022, the office shall notify  
22 each court clerk, judge or other magistrate, and office of an  
23 attorney representing the state.

24 SECTION 23. Section [117.055](#), Local Government Code, as  
25 amended by this Act, applies only to a withdrawal of funds from a  
26 court registry under Section [117.055](#), Local Government Code, made  
27 on or after the effective date provided by Section 23(c) of this

1 Act. A withdrawal of funds from a court registry made before the  
2 effective date provided by Section 23(c) of this Act is governed by  
3 the law in effect on the date the withdrawal was made, and the  
4 former law is continued in effect for that purpose.

5 SECTION 24. The changes in law made by this Act apply only  
6 to a person who is arrested on or after the effective date of this  
7 Act. A person arrested before the effective date of this Act is  
8 governed by the law in effect on the date the person was arrested,  
9 and the former law is continued in effect for that purpose.

10 SECTION 25. (a) Except as provided by Subsection (b) or (c)  
11 of this section or another provision of this Act, this Act takes  
12 effect January 1, 2022.

13 (b) Article 17.15(b), Code of Criminal Procedure, as added  
14 by this Act, takes effect June 1, 2022, but only if the  
15 constitutional amendment proposed by the 87th Legislature, 2nd  
16 Called Session, 2021, requiring a judge or magistrate to impose the  
17 least restrictive conditions of bail that may be necessary and  
18 authorizing the denial of bail under some circumstances to a person  
19 accused of a violent or sexual offense or of continuous trafficking  
20 of persons is approved by the voters. If that amendment is not  
21 approved by the voters, Article 17.15(b), Code of Criminal  
22 Procedure, has no effect.

23 (c) Articles 17.021 and 17.024, Code of Criminal Procedure,  
24 as added by this Act, and Sections 4, 17, 19, 20, and 21 of this Act  
25 take effect on the 91st day after the last day of the legislative  
26 session.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 6 passed the Senate on August 9, 2021, by the following vote: Yeas 27, Nays 2; and that the Senate concurred in House amendments on August 31, 2021, by the following vote: Yeas 26, Nays 5.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 6 passed the House, with amendments, on August 30, 2021, by the following vote: Yeas 85, Nays 40, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor