

1-1 By: Huffman, et al. S.B. No. 6  
1-2 (In the Senate - Filed August 7, 2021; August 7, 2021, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 August 7, 2021, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; August 7, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to rules for setting the amount of bail, to the release of  
1-16 certain defendants on a monetary bond or personal bond, to related  
1-17 duties of certain officers taking bail bonds and of a magistrate in  
1-18 a criminal case, to charitable bail organizations, and to the  
1-19 reporting of information pertaining to bail bonds.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. This Act may be cited as the Damon Allen Act.

1-22 SECTION 2. Article 1.07, Code of Criminal Procedure, is  
1-23 amended to read as follows:

1-24 Art. 1.07. RIGHT TO BAIL. Any person ~~[All prisoners]~~ shall  
1-25 be eligible for bail ~~[bailable]~~ unless denial of bail is expressly  
1-26 permitted by the Texas Constitution or by other law ~~[for capital~~  
1-27 ~~offenses when the proof is evident]~~. This provision may ~~[shall]~~ not  
1-28 be ~~[so]~~ construed ~~[as]~~ to prevent bail after indictment found upon  
1-29 examination of the evidence, in such manner as may be prescribed by  
1-30 law.

1-31 SECTION 3. Article 15.17(a), Code of Criminal Procedure, is  
1-32 amended to read as follows:

1-33 (a) In each case enumerated in this Code, the person making  
1-34 the arrest or the person having custody of the person arrested shall  
1-35 without unnecessary delay, but not later than 48 hours after the  
1-36 person is arrested, take the person arrested or have him taken  
1-37 before some magistrate of the county where the accused was arrested  
1-38 or, to provide more expeditiously to the person arrested the  
1-39 warnings described by this article, before a magistrate in any  
1-40 other county of this state. The arrested person may be taken before  
1-41 the magistrate in person or the image of the arrested person may be  
1-42 presented to the magistrate by means of a videoconference. The  
1-43 magistrate shall inform in clear language the person arrested,  
1-44 either in person or through a videoconference, of the accusation  
1-45 against him and of any affidavit filed therewith, of his right to  
1-46 retain counsel, of his right to remain silent, of his right to have  
1-47 an attorney present during any interview with peace officers or  
1-48 attorneys representing the state, of his right to terminate the  
1-49 interview at any time, and of his right to have an examining trial.  
1-50 The magistrate shall also inform the person arrested of the  
1-51 person's right to request the appointment of counsel if the person  
1-52 cannot afford counsel. The magistrate shall inform the person  
1-53 arrested of the procedures for requesting appointment of counsel.  
1-54 If applicable, the magistrate shall inform the person that the  
1-55 person may file the affidavit described by Article 17.028(f). If  
1-56 the person does not speak and understand the English language or is  
1-57 deaf, the magistrate shall inform the person in a manner consistent  
1-58 with Articles 38.30 and 38.31, as appropriate. The magistrate  
1-59 shall ensure that reasonable assistance in completing the necessary  
1-60 forms for requesting appointment of counsel is provided to the  
1-61 person at the same time. If the person arrested is indigent and

2-1 requests appointment of counsel and if the magistrate is authorized  
 2-2 under Article 26.04 to appoint counsel for indigent defendants in  
 2-3 the county, the magistrate shall appoint counsel in accordance with  
 2-4 Article 1.051. If the magistrate is not authorized to appoint  
 2-5 counsel, the magistrate shall without unnecessary delay, but not  
 2-6 later than 24 hours after the person arrested requests appointment  
 2-7 of counsel, transmit, or cause to be transmitted to the court or to  
 2-8 the courts' designee authorized under Article 26.04 to appoint  
 2-9 counsel in the county, the forms requesting the appointment of  
 2-10 counsel. The magistrate shall also inform the person arrested that  
 2-11 he is not required to make a statement and that any statement made  
 2-12 by him may be used against him. The magistrate shall allow the  
 2-13 person arrested reasonable time and opportunity to consult counsel  
 2-14 and shall, after determining whether the person is currently on  
 2-15 bail for a separate criminal offense and whether the bail decision  
 2-16 is subject to Article 17.027, admit the person arrested to bail if  
 2-17 allowed by law. A record of the communication between the arrested  
 2-18 person and the magistrate shall be made. The record shall be  
 2-19 preserved until the earlier of the following dates: (1) the date on  
 2-20 which the pretrial hearing ends; or (2) the 91st day after the date  
 2-21 on which the record is made if the person is charged with a  
 2-22 misdemeanor or the 120th day after the date on which the record is  
 2-23 made if the person is charged with a felony. For purposes of this  
 2-24 subsection, "videoconference" means a two-way electronic  
 2-25 communication of image and sound between the arrested person and  
 2-26 the magistrate and includes secure Internet videoconferencing.

2-27 SECTION 4. Article 17.02, Code of Criminal Procedure, is  
 2-28 amended to read as follows:

2-29 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a  
 2-30 written undertaking entered into by the defendant and the  
 2-31 defendant's sureties for the appearance of the principal therein  
 2-32 before a court or magistrate to answer a criminal accusation;  
 2-33 provided, however, that the defendant on execution of the bail bond  
 2-34 may deposit with the custodian of funds of the court in which the  
 2-35 prosecution is pending current money of the United States in the  
 2-36 amount of the bond in lieu of having sureties signing the same. Any  
 2-37 cash funds deposited under this article shall be receipted for by  
 2-38 the officer receiving the funds and, on order of the court, be  
 2-39 refunded in the amount shown on the face of the receipt less the  
 2-40 administrative fee authorized by Section 117.055, Local Government  
 2-41 Code, if applicable, after the defendant complies with the  
 2-42 conditions of the defendant's bond, to:

2-43 (1) any person in the name of whom a receipt was  
 2-44 issued, including the defendant if a receipt was issued to the  
 2-45 defendant; or

2-46 (2) the defendant, if no other person is able to  
 2-47 produce a receipt for the funds.

2-48 SECTION 5. Chapter 17, Code of Criminal Procedure, is  
 2-49 amended by adding Articles 17.021, 17.022, 17.023, 17.024, 17.027,  
 2-50 and 17.028 to read as follows:

2-51 Art. 17.021. PUBLIC SAFETY REPORT SYSTEM. (a) The Office  
 2-52 of Court Administration of the Texas Judicial System shall develop  
 2-53 and maintain a public safety report system that is available for use  
 2-54 for purposes of Article 17.15.

2-55 (b) The public safety report system must:

2-56 (1) state the requirements for setting bail under  
 2-57 Article 17.15 and list each factor provided by Article 17.15(a);

2-58 (2) provide the defendant's name and date of birth, the  
 2-59 cause number of the case, if available, and the offense for which  
 2-60 the defendant was arrested;

2-61 (3) provide information on the eligibility of the  
 2-62 defendant for a personal bond;

2-63 (4) provide information regarding the applicability  
 2-64 of any required or discretionary bond conditions;

2-65 (5) provide, in summary form, the criminal history of  
 2-66 the defendant, including information regarding any:

2-67 (A) previous misdemeanor or felony convictions;

2-68 (B) pending charges;

2-69 (C) previous sentences imposing a term of

3-1 confinement;  
3-2 (D) previous convictions or pending charges for  
3-3 offenses involving violence as defined by Article 17.03; and  
3-4 (E) previous failures of the defendant to appear  
3-5 in court following release on bail; and  
3-6 (6) be designed to collect and maintain the  
3-7 information provided on a bail form submitted under Section 72.038,  
3-8 Government Code.  
3-9 (c) The office shall provide access to the public safety  
3-10 report system to the appropriate officials in each county and each  
3-11 municipality at no cost. This subsection may not be construed to  
3-12 require the office to provide an official or magistrate with any  
3-13 equipment or support related to accessing or using the public  
3-14 safety report system.  
3-15 (d) The public safety report system may not:  
3-16 (1) be the only item relied on by a judge or magistrate  
3-17 in making a bail decision;  
3-18 (2) include a score, rating, or assessment of a  
3-19 defendant's risk or make any recommendation regarding the  
3-20 appropriate bail for the defendant; or  
3-21 (3) include any information other than the information  
3-22 listed in Subsection (b).  
3-23 (e) The office shall use the information maintained under  
3-24 Subsection (b)(6) to collect data regarding the number of  
3-25 defendants for whom bail was set during the preceding state fiscal  
3-26 year, including:  
3-27 (1) the number for each category of offense;  
3-28 (2) the number of personal bonds; and  
3-29 (3) the number of monetary bonds.  
3-30 (f) Not later than December 1 of each year, the office shall  
3-31 submit a report containing the data described by Subsection (e) to  
3-32 the governor, lieutenant governor, speaker of the house of  
3-33 representatives, and presiding officers of the standing committees  
3-34 of each house of the legislature with primary jurisdiction over the  
3-35 judiciary.  
3-36 Art. 17.022. PUBLIC SAFETY REPORT. (a) A magistrate  
3-37 considering the release on bail of a defendant charged with an  
3-38 offense punishable as a Class B misdemeanor or any higher category  
3-39 of offense shall order that:  
3-40 (1) the personal bond office established under Article  
3-41 17.42 for the county in which the defendant is being detained, if a  
3-42 personal bond office has been established for that county, or other  
3-43 suitably trained person including judicial personnel or sheriff's  
3-44 department personnel, use the public safety report system developed  
3-45 under Article 17.021 to prepare a public safety report with respect  
3-46 to the defendant; and  
3-47 (2) the public safety report prepared under  
3-48 Subdivision (1) be provided to the magistrate as soon as  
3-49 practicable but not later than 48 hours after the defendant's  
3-50 arrest.  
3-51 (b) A magistrate may not, without the consent of the  
3-52 sheriff, order a sheriff or sheriff's department personnel to  
3-53 prepare a public safety report under Subsection (a).  
3-54 (c) Notwithstanding Subsection (a), a magistrate may  
3-55 personally prepare a public safety report, before or while making a  
3-56 bail decision, using the public safety report system developed  
3-57 under Article 17.021.  
3-58 (d) The magistrate shall:  
3-59 (1) consider the public safety report before setting  
3-60 bail; and  
3-61 (2) promptly but not later than 72 hours after the time  
3-62 bail is set, submit the bail form described by Section 72.038,  
3-63 Government Code, in accordance with that section.  
3-64 (e) A magistrate may, but is not required to, order,  
3-65 prepare, or consider a public safety report in setting bail for a  
3-66 defendant charged only with a misdemeanor punishable by fine only.  
3-67 Art. 17.023. AUTHORITY TO RELEASE ON BAIL IN CERTAIN CASES.  
3-68 (a) This article applies only to a defendant charged with an  
3-69 offense that is:

4-1 (1) punishable as a felony; or  
4-2 (2) a misdemeanor punishable by confinement.

4-3 (b) Notwithstanding any other law, a defendant to whom this  
4-4 article applies may be released on bail only by a magistrate who is:

4-5 (1) any of the following:

4-6 (A) a resident of this state and one of the  
4-7 counties served by the magistrate;

4-8 (B) a justice of the peace serving under Section  
4-9 27.054 or 27.055, Government Code; or

4-10 (C) a judge or justice serving under Chapter 74,  
4-11 Government Code; and

4-12 (2) in compliance with the training requirements of  
4-13 Article 17.024.

4-14 (c) A magistrate is not eligible to release on bail a  
4-15 defendant described by Subsection (a) if the magistrate:

4-16 (1) has been removed from office by impeachment, by  
4-17 the supreme court, by the governor on address to the legislature, by  
4-18 a tribunal reviewing a recommendation of the State Commission on  
4-19 Judicial Conduct, or by the legislature's abolition of the  
4-20 magistrate's court; or

4-21 (2) has resigned from office after having received  
4-22 notice that formal proceedings by the State Commission on Judicial  
4-23 Conduct have been instituted as provided by Section 33.022,  
4-24 Government Code, and before final disposition of the proceedings.

4-25 Art. 17.024. TRAINING ON DUTIES REGARDING BAIL. (a) The  
4-26 Office of Court Administration of the Texas Judicial System shall,  
4-27 in consultation with the court of criminal appeals, develop or  
4-28 approve training courses regarding a magistrate's duties,  
4-29 including duties with respect to setting bail in criminal cases.  
4-30 The courses developed must include:

4-31 (1) an eight-hour initial training course that  
4-32 includes the content of the applicable training course described by  
4-33 Article 17.0501; and

4-34 (2) a two-hour continuing education course.

4-35 (b) The office shall provide for a method of certifying that  
4-36 a magistrate has successfully completed a training course required  
4-37 under this article and has demonstrated competency of the course  
4-38 content in a manner acceptable to the office.

4-39 (c) A magistrate is in compliance with the training  
4-40 requirements of this article if:

4-41 (1) not later than the 90th day after the date the  
4-42 magistrate takes office, the magistrate successfully completes the  
4-43 course described by Subsection (a)(1);

4-44 (2) the magistrate successfully completes the course  
4-45 described by Subsection (a)(2) in each subsequent state fiscal  
4-46 biennium in which the magistrate serves; and

4-47 (3) the magistrate demonstrates competency as  
4-48 provided by Subsection (b).

4-49 (c-1) Notwithstanding Subsection (c), a magistrate who is  
4-50 serving on January 1, 2022, is considered to be in compliance with  
4-51 Subsection (c)(1) if the magistrate successfully completes the  
4-52 training course not later than September 1, 2022. This subsection  
4-53 expires February 1, 2023.

4-54 (d) Any course developed or approved by the office under  
4-55 this article may be administered by the Texas Justice Court  
4-56 Training Center, the Texas Municipal Courts Education Center, the  
4-57 Texas Association of Counties, the Texas Center for the Judiciary,  
4-58 or a similar entity.

4-59 Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH  
4-60 OFFENSE COMMITTED WHILE ON BAIL. (a) Notwithstanding any other  
4-61 law:

4-62 (1) if a defendant is charged with committing an  
4-63 offense punishable as a felony while released on bail for another  
4-64 offense punishable as a felony and the subsequent offense was  
4-65 committed in the same county as the previous offense, only the court  
4-66 before whom the case for the previous offense is pending may release  
4-67 the defendant on bail; and

4-68 (2) if a defendant is charged with committing an  
4-69 offense while released on bail for another offense and the

5-1 subsequent offense was committed in a different county than the  
 5-2 previous offense, electronic notice of the charge must be promptly  
 5-3 given to the court specified by Subdivision (1) for purposes of  
 5-4 reevaluating the bail decision, determining whether any bail  
 5-5 conditions were violated, or taking any other applicable action.

5-6 (b) This article may not be construed to extend any deadline  
 5-7 provided by Article 15.17.

5-8 Art. 17.028. BAIL DECISION. (a) Without unnecessary delay  
 5-9 but not later than 48 hours after a defendant is arrested, a  
 5-10 magistrate shall order, after individualized consideration of all  
 5-11 circumstances and of the factors required by Article 17.15(a), that  
 5-12 the defendant be:

5-13 (1) granted personal bond with or without conditions;

5-14 (2) granted surety or cash bond with or without  
 5-15 conditions; or

5-16 (3) denied bail in accordance with the Texas  
 5-17 Constitution and other law.

5-18 (b) In setting bail under this article, the magistrate shall  
 5-19 impose the least restrictive conditions, if any, and the personal  
 5-20 bond or monetary bond necessary to reasonably ensure the  
 5-21 defendant's appearance in court as required and the safety of the  
 5-22 community, law enforcement, and the victim of the alleged offense.

5-23 (c) In each criminal case, unless specifically provided by  
 5-24 other law, there is a rebuttable presumption that bail, conditions  
 5-25 of release, or both bail and conditions of release are sufficient to  
 5-26 reasonably ensure the defendant's appearance in court as required  
 5-27 and the safety of the community, law enforcement, and the victim of  
 5-28 the alleged offense. For purposes of setting bail or rebutting the  
 5-29 presumption, the court may not consider testimonial evidence.

5-30 (d) A judge may not adopt a bail schedule or enter a standing  
 5-31 order related to bail that:

5-32 (1) is inconsistent with this article; or

5-33 (2) authorizes a magistrate to make a bail decision  
 5-34 for a defendant without considering each of the factors in Article  
 5-35 17.15(a).

5-36 (e) A defendant who is denied bail or who is unable to give  
 5-37 bail in the amount required by any bail schedule or standing order  
 5-38 related to bail shall be provided with the warnings described by  
 5-39 Article 15.17.

5-40 (f) A defendant who is charged with an offense punishable as  
 5-41 a Class B misdemeanor or any higher category of offense and who is  
 5-42 unable to give bail in the amount required by a schedule or order  
 5-43 described by Subsection (e), other than a defendant who is denied  
 5-44 bail, shall be provided with the opportunity to file with the  
 5-45 applicable magistrate a sworn affidavit in substantially the  
 5-46 following form:

5-47 "On this \_\_\_ day of \_\_\_, 2\_\_\_, I have been advised by  
 5-48 \_\_\_\_\_ (name of the court or magistrate, as applicable) of the  
 5-49 importance of providing true and complete information about my  
 5-50 financial situation in connection with the charge pending against  
 5-51 me. I am without means to pay \_\_\_\_\_ and I hereby request that an  
 5-52 appropriate bail be set. (signature of defendant)."

5-53 (g) A defendant filing an affidavit under Subsection (f)  
 5-54 shall complete a form to allow a magistrate to assess information  
 5-55 relevant to the defendant's financial situation. The form must be  
 5-56 the form used to request appointment of counsel under Article 26.04  
 5-57 or a form promulgated by the Office of Court Administration of the  
 5-58 Texas Judicial System that collects, at a minimum and to the best of  
 5-59 the defendant's knowledge, the information a court may consider  
 5-60 under Article 26.04(m).

5-61 (g-1) The magistrate making the bail decision under  
 5-62 Subsection (a) shall, if applicable:

5-63 (1) inform the defendant of the defendant's right to  
 5-64 file an affidavit under Subsection (f); and

5-65 (2) ensure that the defendant receives reasonable  
 5-66 assistance in completing the affidavit described by Subsection (f)  
 5-67 and the form described by Subsection (g).

5-68 (h) A defendant described by Subsection (f) may file an  
 5-69 affidavit under Subsection (f) at any time before or during the bail

6-1 proceeding under Subsection (a). A defendant who files an  
 6-2 affidavit under Subsection (f) is entitled to a prompt hearing  
 6-3 before the magistrate on the bail amount. The hearing may be held  
 6-4 before the magistrate making the bail decision under Subsection (a)  
 6-5 or may occur as a separate pretrial proceeding held for that  
 6-6 purpose. The defendant must be given the opportunity to present  
 6-7 evidence and respond to evidence presented by the attorney  
 6-8 representing the state. The magistrate shall consider the facts  
 6-9 presented and the rules established by Article 17.15(a) and shall  
 6-10 set the defendant's bail. If the magistrate does not set the  
 6-11 defendant's bail in an amount below the amount required by the  
 6-12 schedule or order described by Subsection (e), the magistrate shall  
 6-13 issue written findings of fact supporting the bail decision.

6-14 (i) The judges of the courts trying criminal cases and other  
 6-15 magistrates in a county must report to the Office of Court  
 6-16 Administration of the Texas Judicial System each defendant for whom  
 6-17 a hearing under Subsection (h) was not held within 48 hours of the  
 6-18 defendant's arrest. If a delay occurs that will cause the hearing  
 6-19 under Subsection (h) to be held later than 48 hours after the  
 6-20 defendant's arrest, the magistrate or an employee of the court or of  
 6-21 the county in which the defendant is confined must notify the  
 6-22 defendant's counsel of the delay.

6-23 (j) The magistrate may enter an order or take other action  
 6-24 authorized by Article 16.22 with respect to a defendant who does not  
 6-25 appear capable of executing an affidavit under Subsection (f).

6-26 (k) This article may not be construed to require the filing  
 6-27 of an affidavit before a magistrate considers the defendant's  
 6-28 ability to make bail under Article 17.15.

6-29 (l) A written or oral statement obtained under this article  
 6-30 or evidence derived from the statement may be used only to determine  
 6-31 whether the defendant is indigent, to impeach the direct testimony  
 6-32 of the defendant, or to prosecute the defendant for an offense under  
 6-33 Chapter 37, Penal Code.

6-34 (m) Notwithstanding Subsection (a), a magistrate may make a  
 6-35 bail decision regarding a defendant who is charged only with a  
 6-36 misdemeanor punishable by fine only without considering the factor  
 6-37 required by Article 17.15(a)(6).

6-38 SECTION 6. (a) Article 17.03, Code of Criminal Procedure,  
 6-39 as effective September 1, 2021, is amended by amending Subsection  
 6-40 (b) and adding Subsections (b-2) and (b-3) to read as follows:

6-41 (b) Only the court before whom the case is pending may  
 6-42 release on personal bond a defendant who:

6-43 (1) is charged with an offense under the following  
 6-44 sections of the Penal Code:

6-45 (A) ~~[Section 19.03 (Capital Murder)];~~

6-46 ~~[(B) Section 20.04 (Aggravated Kidnapping)];~~

6-47 ~~[(C) Section 22.021 (Aggravated Sexual Assault)];~~

6-48 ~~[(D) Section 22.03 (Deadly Assault on Law~~

6-49 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~

6-50 ~~Pardons and Paroles, or Court Participant)];~~

6-51 ~~[(E) Section 22.04 (Injury to a Child, Elderly~~

6-52 ~~Individual, or Disabled Individual)];~~

6-53 ~~[(F) Section 29.03 (Aggravated Robbery)];~~

6-54 ~~[(G)] Section 30.02 (Burglary); or~~

6-55 ~~(B) [(H)] Section 71.02 (Engaging in Organized~~

6-56 ~~Criminal Activity)];~~

6-57 ~~[(I) Section 21.02 (Continuous Sexual Abuse of~~

6-58 ~~Young Child or Disabled Individual)]; or~~

6-59 ~~[(J) Section 20A.03 (Continuous Trafficking of~~

6-60 ~~Persons)];~~

6-61 (2) is charged with a felony under Chapter 481, Health  
 6-62 and Safety Code, or Section 485.033, Health and Safety Code,  
 6-63 punishable by imprisonment for a minimum term or by a maximum fine  
 6-64 that is more than a minimum term or maximum fine for a first degree  
 6-65 felony; or

6-66 (3) does not submit to testing for the presence of a  
 6-67 controlled substance in the defendant's body as requested by the  
 6-68 court or magistrate under Subsection (c) of this article or submits  
 6-69 to testing and the test shows evidence of the presence of a

7-1 controlled substance in the defendant's body.  
7-2 (b-2) Notwithstanding any other law, a defendant may not be  
7-3 released on personal bond if the defendant:  
7-4 (1) is charged with an offense involving violence; or  
7-5 (2) while released on bail or community supervision  
7-6 for an offense involving violence, is charged with committing:  
7-7 (A) any offense punishable as a felony; or  
7-8 (B) an offense under the following provisions of  
7-9 the Penal Code:  
7-10 (i) Section 22.01(a)(1) (assault);  
7-11 (ii) Section 22.05 (deadly conduct);  
7-12 (iii) Section 22.07 (terroristic threat);  
7-13 or  
7-14 (iv) Section 42.01(a)(7) or (8) (disorderly  
7-15 conduct involving firearm).  
7-16 (b-3) In this article:  
7-17 (1) "Controlled substance" has the meaning assigned by  
7-18 Section 481.002, Health and Safety Code.  
7-19 (2) "Offense involving violence" means an offense  
7-20 under the following provisions of the Penal Code:  
7-21 (A) Section 19.02 (murder);  
7-22 (B) Section 19.03 (capital murder);  
7-23 (C) Section 20.03 (kidnapping);  
7-24 (D) Section 20.04 (aggravated kidnapping);  
7-25 (E) Section 20A.02 (trafficking of persons);  
7-26 (F) Section 20A.03 (continuous trafficking of  
7-27 persons);  
7-28 (G) Section 21.02 (continuous sexual abuse of  
7-29 young child or disabled individual);  
7-30 (H) Section 21.11 (indecenty with a child);  
7-31 (I) Section 22.01(a)(1) (assault), if the  
7-32 offense:  
7-33 (i) is punishable as a felony of the second  
7-34 degree under Subsection (b-2) of that section; or  
7-35 (ii) involved family violence as defined by  
7-36 Section 71.004, Family Code;  
7-37 (J) Section 22.011 (sexual assault);  
7-38 (K) Section 22.02 (aggravated assault);  
7-39 (L) Section 22.021 (aggravated sexual assault);  
7-40 (M) Section 22.04 (injury to a child, elderly  
7-41 individual, or disabled individual);  
7-42 (N) Section 25.072 (repeated violation of  
7-43 certain court orders or conditions of bond in family violence,  
7-44 child abuse or neglect, sexual assault or abuse, indecent assault,  
7-45 stalking, or trafficking case);  
7-46 (O) Section 25.11 (continuous violence against  
7-47 the family);  
7-48 (P) Section 29.03 (aggravated robbery);  
7-49 (Q) Section 38.14 (taking or attempting to take  
7-50 weapon from peace officer, federal special investigator, employee  
7-51 or official of correctional facility, parole officer, community  
7-52 supervision and corrections department officer, or commissioned  
7-53 security officer);  
7-54 (R) Section 43.04 (aggravated promotion of  
7-55 prostitution);  
7-56 (S) Section 43.05 (compelling prostitution); or  
7-57 (T) Section 43.25 (sexual performance by a  
7-58 child).  
7-59 (b) This section takes effect on the 91st day after the last  
7-60 day of the legislative session if this Act does not receive a vote  
7-61 of two-thirds of all the members elected to each house, as provided  
7-62 by Section 39, Article III, Texas Constitution. If this Act  
7-63 receives a vote of two-thirds of all the members elected to each  
7-64 house, as provided by Section 39, Article III, Texas Constitution,  
7-65 this section has no effect.  
7-66 SECTION 7. (a) Article 17.03, Code of Criminal Procedure,  
7-67 is amended by amending Subsection (b) and adding Subsections (b-2)  
7-68 and (b-3) to read as follows:  
7-69 (b) Only the court before whom the case is pending may

8-1 release on personal bond a defendant who:  
8-2 (1) is charged with an offense under the following  
8-3 sections of the Penal Code:  
8-4 (A) [~~Section 19.03 (Capital Murder)~~];  
8-5 [~~(B) Section 20.04 (Aggravated Kidnapping)~~];  
8-6 [~~(C) Section 22.021 (Aggravated Sexual Assault)~~];  
8-7 [~~(D) Section 22.03 (Deadly Assault on Law~~  
8-8 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~  
8-9 ~~Pardons and Paroles, or Court Participant)~~];  
8-10 [~~(E) Section 22.04 (Injury to a Child, Elderly~~  
8-11 ~~Individual, or Disabled Individual)~~];  
8-12 [~~(F) Section 29.03 (Aggravated Robbery)~~];  
8-13 [~~(G)~~] Section 30.02 (Burglary); or  
8-14 (B) [~~(H)~~] Section 71.02 (Engaging in Organized  
8-15 Criminal Activity);  
8-16 [~~(I) Section 21.02 (Continuous Sexual Abuse of~~  
8-17 ~~Young Child or Children)~~]; or  
8-18 [~~(J) Section 20A.03 (Continuous Trafficking of~~  
8-19 ~~Persons)~~];  
8-20 (2) is charged with a felony under Chapter 481, Health  
8-21 and Safety Code, or Section 485.033, Health and Safety Code,  
8-22 punishable by imprisonment for a minimum term or by a maximum fine  
8-23 that is more than a minimum term or maximum fine for a first degree  
8-24 felony; or  
8-25 (3) does not submit to testing for the presence of a  
8-26 controlled substance in the defendant's body as requested by the  
8-27 court or magistrate under Subsection (c) of this article or submits  
8-28 to testing and the test shows evidence of the presence of a  
8-29 controlled substance in the defendant's body.  
8-30 (b-2) Notwithstanding any other law, a defendant may not be  
8-31 released on personal bond if the defendant:  
8-32 (1) is charged with an offense involving violence; or  
8-33 (2) while released on bail or community supervision  
8-34 for an offense involving violence, is charged with committing:  
8-35 (A) any offense punishable as a felony; or  
8-36 (B) an offense under the following provisions of  
8-37 the Penal Code:  
8-38 (i) Section 22.01(a)(1) (assault);  
8-39 (ii) Section 22.05 (deadly conduct);  
8-40 (iii) Section 22.07 (terroristic threat);  
8-41 or  
8-42 (iv) Section 42.01(a)(7) or (8) (disorderly  
8-43 conduct involving firearm).  
8-44 (b-3) In this article:  
8-45 (1) "Controlled substance" has the meaning assigned by  
8-46 Section 481.002, Health and Safety Code.  
8-47 (2) "Offense involving violence" means an offense  
8-48 under the following provisions of the Penal Code:  
8-49 (A) Section 19.02 (murder);  
8-50 (B) Section 19.03 (capital murder);  
8-51 (C) Section 20.03 (kidnapping);  
8-52 (D) Section 20.04 (aggravated kidnapping);  
8-53 (E) Section 20A.02 (trafficking of persons);  
8-54 (F) Section 20A.03 (continuous trafficking of  
8-55 persons);  
8-56 (G) Section 21.02 (continuous sexual abuse of  
8-57 young child or children);  
8-58 (H) Section 21.11 (indecenty with a child);  
8-59 (I) Section 22.01(a)(1) (assault), if the  
8-60 offense:  
8-61 (i) is punishable as a felony of the second  
8-62 degree under Subsection (b-2) of that section; or  
8-63 (ii) involved family violence as defined by  
8-64 Section 71.004, Family Code;  
8-65 (J) Section 22.011 (sexual assault);  
8-66 (K) Section 22.02 (aggravated assault);  
8-67 (L) Section 22.021 (aggravated sexual assault);  
8-68 (M) Section 22.04 (injury to a child, elderly  
8-69 individual, or disabled individual);

- 9-1 (N) Section 25.072 (repeated violation of
- 9-2 certain court orders or conditions of bond in family violence,
- 9-3 child abuse or neglect, sexual assault or abuse, indecent assault,
- 9-4 stalking, or trafficking case);
- 9-5 (O) Section 25.11 (continuous violence against
- 9-6 the family);
- 9-7 (P) Section 29.03 (aggravated robbery);
- 9-8 (Q) Section 38.14 (taking or attempting to take
- 9-9 weapon from peace officer, federal special investigator, employee
- 9-10 or official of correctional facility, parole officer, community
- 9-11 supervision and corrections department officer, or commissioned
- 9-12 security officer);
- 9-13 (R) Section 43.04 (aggravated promotion of
- 9-14 prostitution);
- 9-15 (S) Section 43.05 (compelling prostitution); or
- 9-16 (T) Section 43.25 (sexual performance by a
- 9-17 child).

9-18 (b) This section takes effect immediately if this Act  
 9-19 receives a vote of two-thirds of all the members elected to each  
 9-20 house, as provided by Section 39, Article III, Texas Constitution.  
 9-21 If this Act does not receive a vote of two-thirds of all the members  
 9-22 elected to each house, as provided by Section 39, Article III, Texas  
 9-23 Constitution, this section has no effect.

9-24 SECTION 8. Chapter 17, Code of Criminal Procedure, is  
 9-25 amended by adding Articles 17.0501 and 17.071 to read as follows:

9-26 Art. 17.0501. REQUIRED TRAINING. The Department of Public  
 9-27 Safety shall develop training courses that relate to the use of the  
 9-28 statewide telecommunications system maintained by the department  
 9-29 and that are directed to each magistrate, judge, sheriff, peace  
 9-30 officer, or jailer required to obtain criminal history record  
 9-31 information under this chapter, as necessary to enable the person  
 9-32 to fulfill those requirements.

9-33 Art. 17.071. CHARITABLE BAIL ORGANIZATIONS. (a) In this  
 9-34 article, "charitable bail organization" means a person who solicits  
 9-35 donations from the public for the purpose of depositing money with a  
 9-36 court in the amount of a defendant's bail bond. The term does not  
 9-37 include:

9-38 (1) a person soliciting donations with respect to a  
 9-39 defendant who is a member of the person's family, as determined  
 9-40 under Section 71.003, Family Code; or

9-41 (2) a nonprofit corporation organized for the purpose  
 9-42 of religious worship.

9-43 (b) This article does not apply to a charitable bail  
 9-44 organization that pays a bail bond for not more than three  
 9-45 defendants in any 180-day period.

9-46 (c) A charitable bail organization shall file in the office  
 9-47 of the county clerk of each county where the organization intends to  
 9-48 pay bail bonds an affidavit designating the individuals authorized  
 9-49 to pay bonds on behalf of the organization.

9-50 (d) A charitable bail organization may only pay bail bonds  
 9-51 for indigent defendants who:

9-52 (1) are not charged with an offense involving violence  
 9-53 as defined by Article 17.03; and

9-54 (2) have not previously been convicted of an offense  
 9-55 involving violence as defined by Article 17.03 during the 10-year  
 9-56 period preceding the date of the defendant's arrest for the instant  
 9-57 offense.

9-58 (e) Not later than the 10th day of each month, a charitable  
 9-59 bail organization shall submit, to the presiding judge of the  
 9-60 administrative judicial region for each county in which the  
 9-61 organization files an affidavit under Subsection (c), a report that  
 9-62 includes the following information for each defendant for whom the  
 9-63 organization paid a bail bond in the preceding calendar month:

9-64 (1) the name of the defendant;

9-65 (2) the cause number of the case;

9-66 (3) the county in which the applicable charge is  
 9-67 pending, if different from the county in which the bond was paid;  
 9-68 and

9-69 (4) any dates on which the defendant has failed to

10-1 appear in court as required for the charge for which the bond was  
10-2 paid.

10-3 (f) A charitable bail organization may not pay a bail bond  
10-4 for a defendant at any time the organization is considered to be out  
10-5 of compliance with the reporting requirements of this article.

10-6 (g) The presiding judge of an administrative judicial  
10-7 region may suspend a charitable bail organization from paying bail  
10-8 bonds in the administrative judicial region for one year if the  
10-9 presiding judge determines the organization has paid bonds in  
10-10 violation of this article.

10-11 (h) Chapter 22 applies to a bail bond paid by a charitable  
10-12 bail organization.

10-13 (i) A charitable bail organization may not accept a premium  
10-14 or compensation for paying a bail bond for a defendant.

10-15 SECTION 9. Article 17.15, Code of Criminal Procedure, is  
10-16 amended to read as follows:

10-17 Art. 17.15. RULES FOR SETTING [~~FIXING~~] AMOUNT OF BAIL. (a)  
10-18 The amount of bail and any conditions of bail to be required in any  
10-19 case are [~~is~~] to be regulated by the court, judge, magistrate, or  
10-20 officer taking the bail in accordance with Articles 17.20, 17.21,  
10-21 and 17.22 and [~~they~~] are [~~to be~~] governed [~~in the exercise of this~~  
10-22 ~~discretion~~] by the Constitution and [~~by~~] the following rules:

10-23 1. Bail and any conditions of bail [~~The bail~~] shall be  
10-24 sufficient [~~sufficiently high~~] to give reasonable assurance that  
10-25 the undertaking will be complied with.

10-26 2. The power to require bail is not to be [~~so~~] used  
10-27 [~~as~~] to make bail [~~it~~] an instrument of oppression.

10-28 3. The nature of the offense and the circumstances  
10-29 under which the offense [~~it~~] was committed are to be considered,  
10-30 including whether the offense:

10-31 (A) is an offense involving violence as defined  
10-32 by Article 17.03; or

10-33 (B) involves violence directed against a peace  
10-34 officer.

10-35 4. The ability to make bail shall [~~is to~~] be considered  
10-36 [~~regarded~~], and proof may be taken on [~~upon~~] this point.

10-37 5. The future safety of a victim of the alleged  
10-38 offense, law enforcement, and the community shall be considered.

10-39 6. The criminal history record information for the  
10-40 defendant, including information obtained through the statewide  
10-41 telecommunications system maintained by the Department of Public  
10-42 Safety and through the public safety report system developed under  
10-43 Article 17.021, shall be considered, including any acts of family  
10-44 violence, other pending criminal charges, and any instances in  
10-45 which the defendant failed to appear in court following release on  
10-46 bail.

10-47 7. The citizenship status of the defendant shall be  
10-48 considered.

10-49 (b) For purposes of determining whether clear and  
10-50 convincing evidence exists to deny a person bail under Section 11d,  
10-51 Article I, Texas Constitution, a magistrate shall consider all  
10-52 information relevant to the factors listed in Subsection (a).

10-53 (c) In this article, "family violence" has the meaning  
10-54 assigned by Section 71.004, Family Code.

10-55 SECTION 10. Article 17.20, Code of Criminal Procedure, is  
10-56 amended to read as follows:

10-57 Art. 17.20. BAIL IN MISDEMEANOR. (a) In cases of  
10-58 misdemeanor, the sheriff or other peace officer, or a jailer  
10-59 licensed under Chapter 1701, Occupations Code, may, whether during  
10-60 the term of the court or in vacation, where the officer has a  
10-61 defendant in custody, take the defendant's [~~of the defendant a~~  
10-62 bail [~~bond~~].

10-63 (b) Before taking bail under this article, the sheriff,  
10-64 peace officer, or jailer shall obtain the defendant's criminal  
10-65 history record information through the statewide  
10-66 telecommunications system maintained by the Department of Public  
10-67 Safety and through the public safety report system developed under  
10-68 Article 17.021.

10-69 (c) If the defendant is charged with or has previously been

11-1 convicted of an offense involving violence as defined by Article  
 11-2 17.03, the sheriff, officer, or jailer may not set the amount of the  
 11-3 defendant's bail but may take the defendant's bail in the amount set  
 11-4 by the court.

11-5 SECTION 11. Article 17.22, Code of Criminal Procedure, is  
 11-6 amended to read as follows:

11-7 Art. 17.22. MAY TAKE BAIL IN FELONY. (a) In a felony case,  
 11-8 if the court before which the case [~~same~~] is pending is not in  
 11-9 session in the county where the defendant is in custody, the sheriff  
 11-10 or other peace officer, or a jailer licensed under Chapter 1701,  
 11-11 Occupations Code, who has the defendant in custody may take the  
 11-12 defendant's bail [~~bond~~] in the [~~such~~] amount set [~~as may have been~~  
 11-13 ~~fixed~~] by the court or magistrate, or if no amount has been set  
 11-14 [~~fixed~~], then in any [~~such~~] amount that the [~~as such~~] officer  
 11-15 considers [~~may consider~~] reasonable and that is in compliance with  
 11-16 Article 17.15.

11-17 (b) Before taking bail under this article, the sheriff,  
 11-18 peace officer, or jailer shall obtain the defendant's criminal  
 11-19 history record information through the statewide  
 11-20 telecommunications system maintained by the Department of Public  
 11-21 Safety and through the public safety report system developed under  
 11-22 Article 17.021.

11-23 (c) If the defendant is charged with or has previously been  
 11-24 convicted of an offense involving violence as defined by Article  
 11-25 17.03, the sheriff, officer, or jailer may not set the amount of the  
 11-26 defendant's bail but may take the defendant's bail in the amount set  
 11-27 by the court.

11-28 SECTION 12. Chapter 17, Code of Criminal Procedure, is  
 11-29 amended by adding Articles 17.51, 17.52, and 17.53 to read as  
 11-30 follows:

11-31 Art. 17.51. NOTICE OF CONDITIONS. (a) As soon as  
 11-32 practicable but not later than the next business day after the date  
 11-33 a magistrate issues an order imposing a condition of release on bond  
 11-34 for a defendant or modifying or removing a condition previously  
 11-35 imposed, the clerk of the court shall send a copy of the order to:

- 11-36 (1) the appropriate attorney representing the state;
- 11-37 and
- 11-38 (2) the sheriff of the county where the defendant
- 11-39 resides.

11-40 (b) A clerk of the court may delay sending a copy of the  
 11-41 order under Subsection (a) only if the clerk lacks information  
 11-42 necessary to ensure service and enforcement.

11-43 (c) If an order described by Subsection (a) prohibits a  
 11-44 defendant from going to or near a child care facility or school, the  
 11-45 clerk of the court shall send a copy of the order to the child care  
 11-46 facility or school.

11-47 (d) The copy of the order and any related information may be  
 11-48 sent electronically or in another manner that can be accessed by the  
 11-49 recipient.

11-50 (e) The magistrate or the magistrate's designee shall  
 11-51 provide written notice to the defendant of:

- 11-52 (1) the conditions of release on bond; and
- 11-53 (2) the penalties for violating a condition of
- 11-54 release.

11-55 (f) The magistrate shall make a separate record of the  
 11-56 notice provided to the defendant under Subsection (e).

11-57 (g) The Office of Court Administration of the Texas Judicial  
 11-58 System shall promulgate a form for use by a magistrate or a  
 11-59 magistrate's designee in providing notice to the defendant under  
 11-60 Subsection (e). The form must include the relevant statutory  
 11-61 language from the provisions of this chapter under which a  
 11-62 condition of release on bond may be imposed on a defendant.

11-63 Art. 17.52. REPORTING OF CONDITIONS. A chief of police or  
 11-64 sheriff who receives a copy of an order described by Article  
 11-65 17.51(a), or the chief's or sheriff's designee, shall, as soon as  
 11-66 practicable but not later than the 10th day after the date the copy  
 11-67 is received, enter information relating to the condition of release  
 11-68 into the appropriate database of the statewide law enforcement  
 11-69 information system maintained by the Department of Public Safety or

12-1 modify or remove information, as appropriate.

12-2 Art. 17.53. PROCEDURES AND FORMS RELATED TO MONETARY BOND.  
 12-3 The Office of Court Administration of the Texas Judicial System  
 12-4 shall develop statewide procedures and prescribe forms to be used  
 12-5 by a court to facilitate:

12-6 (1) the refund of any cash funds paid toward a monetary  
 12-7 bond, with an emphasis on refunding those funds to the person in  
 12-8 whose name the receipt described by Article 17.02 was issued; and

12-9 (2) the application of those cash funds to the  
 12-10 defendant's outstanding court costs, fines, and fees.

12-11 SECTION 13. Article 66.102(c), Code of Criminal Procedure,  
 12-12 is amended to read as follows:

12-13 (c) Information in the computerized criminal history system  
 12-14 relating to an arrest must include:

12-15 (1) the offender's name;

12-16 (2) the offender's state identification number;

12-17 (3) the arresting law enforcement agency;

12-18 (4) the arrest charge, by offense code and incident  
 12-19 number;

12-20 (5) whether the arrest charge is a misdemeanor or  
 12-21 felony;

12-22 (6) the date of the arrest;

12-23 (7) for an offender released on bail, whether a  
 12-24 warrant was issued for any subsequent failure of the offender to  
 12-25 appear in court;

12-26 (8) the exact disposition of the case by a law  
 12-27 enforcement agency following the arrest; and

12-28 (9) [~~8~~] the date of disposition of the case by the  
 12-29 law enforcement agency.

12-30 SECTION 14. Section 27.005, Government Code, is amended by  
 12-31 amending Subsection (a) and adding Subsection (c) to read as  
 12-32 follows:

12-33 (a) For purposes of removal under Chapter 87, Local  
 12-34 Government Code, "incompetency" in the case of a justice of the  
 12-35 peace includes the failure of the justice to successfully complete:

12-36 (1) within one year after the date the justice is first  
 12-37 elected:

12-38 (A) [~~7~~] an 80-hour course in the performance of  
 12-39 the justice's duties; and

12-40 (B) the course described by Article  
 12-41 17.024(a)(1), Code of Criminal Procedure;

12-42 (2) each following year, a 20-hour course in the  
 12-43 performance of the justice's duties, including not less than 10  
 12-44 hours of instruction regarding substantive, procedural, and  
 12-45 evidentiary law in civil matters; and

12-46 (3) each following state fiscal biennium, the course  
 12-47 described by Article 17.024(a)(2), Code of Criminal Procedure.

12-48 (c) A course described by Subsection (a)(1)(A) may include a  
 12-49 course described by Subsection (a)(1)(B).

12-50 SECTION 15. Subchapter C, Chapter 71, Government Code, is  
 12-51 amended by adding Section 71.0351 to read as follows:

12-52 Sec. 71.0351. BAIL AND PRETRIAL RELEASE INFORMATION. (a)  
 12-53 As a component of the official monthly report submitted to the  
 12-54 Office of Court Administration of the Texas Judicial System under  
 12-55 Section 71.035, the clerk of each court setting bail in criminal  
 12-56 cases shall report:

12-57 (1) the number of defendants for whom bail was set,  
 12-58 including:

12-59 (A) the number for each category of offense;

12-60 (B) the number of personal bonds; and

12-61 (C) the number of surety or cash bonds;

12-62 (2) the number of defendants released on bail who  
 12-63 subsequently failed to appear;

12-64 (3) the number of defendants released on bail who  
 12-65 subsequently violated a condition of release; and

12-66 (4) the number of defendants who committed an offense  
 12-67 while released on bail or community supervision.

12-68 (b) The office shall post the information in a publicly  
 12-69 accessible place on the agency's Internet website without

13-1 disclosing any personal information of any defendant, judge, or  
 13-2 magistrate.

13-3 (c) Not later than December 1 of each year, the office shall  
 13-4 submit a report containing the data collected under this section  
 13-5 during the preceding state fiscal year to the governor, lieutenant  
 13-6 governor, speaker of the house of representatives, and presiding  
 13-7 officers of the standing committees of each house of the  
 13-8 legislature with primary jurisdiction over the judiciary.

13-9 SECTION 16. Subchapter C, Chapter 72, Government Code, is  
 13-10 amended by adding Section 72.038 to read as follows:

13-11 Sec. 72.038. BAIL FORM. (a) The office shall promulgate a  
 13-12 form to be completed by a magistrate, judge, sheriff, peace  
 13-13 officer, or jailer who sets bail under Chapter 17, Code of Criminal  
 13-14 Procedure, for a defendant charged with an offense punishable as a  
 13-15 Class B misdemeanor or any higher category of offense. The office  
 13-16 shall incorporate the completed forms into the public safety report  
 13-17 system developed under Article 17.021, Code of Criminal Procedure.

13-18 (b) The form must:

13-19 (1) state the cause number of the case, if available,  
 13-20 the defendant's name and date of birth, and the offense for which  
 13-21 the defendant was arrested;

13-22 (2) state the name and the office or position of the  
 13-23 person setting bail;

13-24 (3) require the person setting bail to:

13-25 (A) identify the bail type, the amount of the  
 13-26 bail, and any conditions of bail;

13-27 (B) certify that the person considered each  
 13-28 factor provided by Article 17.15(a), Code of Criminal Procedure;  
 13-29 and

13-30 (C) certify that the person considered the  
 13-31 information provided by the public safety report system; and

13-32 (4) be electronically signed by the person setting the  
 13-33 bail.

13-34 (c) The person setting bail, an employee of the court that  
 13-35 set the defendant's bail, or an employee of the county in which the  
 13-36 defendant's bail was set must, on completion of the form required  
 13-37 under this section, promptly but not later than 72 hours after the  
 13-38 time the defendant's bail is set provide the form electronically to  
 13-39 the office through the public safety report system.

13-40 (d) The office shall publish each form submitted under this  
 13-41 section in a database that is publicly accessible on the office's  
 13-42 Internet website.

13-43 SECTION 17. Section 117.055, Local Government Code, is  
 13-44 amended by amending Subsection (a) and adding Subsections (a-1) and  
 13-45 (a-2) to read as follows:

13-46 (a) Except as provided by Subsection (a-1), to [To]  
 13-47 compensate the county for the accounting and administrative  
 13-48 expenses incurred in handling the registry funds that have not  
 13-49 earned interest, including funds in a special or separate account,  
 13-50 the clerk shall, at the time of withdrawal, deduct from the amount  
 13-51 of the withdrawal a fee in an amount equal to five percent of the  
 13-52 withdrawal but that may not exceed \$50. Withdrawal of funds  
 13-53 generated from a case arising under the Family Code is exempt from  
 13-54 the fee deduction provided by this section.

13-55 (a-1) A clerk may not deduct a fee under Subsection (a) from  
 13-56 a withdrawal of funds generated by the collection of a cash bond or  
 13-57 cash bail bond if in the case for which the bond was taken:

13-58 (1) the defendant was found not guilty after a trial or  
 13-59 appeal; or

13-60 (2) the complaint, information, or indictment was  
 13-61 dismissed without a plea of guilty or nolo contendere being  
 13-62 entered.

13-63 (a-2) On the request of a person to whom withdrawn funds  
 13-64 generated by the collection of a cash bond or cash bail bond were  
 13-65 disbursed, the clerk shall refund to the person the amount of the  
 13-66 fee deducted under Subsection (a) if:

13-67 (1) subsequent to the deduction, a court makes or  
 13-68 enters an order or ruling in the case for which the bond was taken;  
 13-69 and

14-1 (2) had the court made or entered the order or ruling  
14-2 before the withdrawal of funds occurred, the deduction under  
14-3 Subsection (a) would have been prohibited under Subsection (a-1).

14-4 SECTION 18. Article 17.03(f), Code of Criminal Procedure,  
14-5 is repealed.

14-6 SECTION 19. As soon as practicable but not later than  
14-7 January 1, 2022, the Office of Court Administration of the Texas  
14-8 Judicial System shall create the public safety report system  
14-9 developed under Article 17.021, Code of Criminal Procedure, as  
14-10 added by this Act, and any related forms and materials and shall  
14-11 provide to the appropriate officials in each county and each  
14-12 municipality access to the system, forms, and materials at no cost.  
14-13 If those items are made available before January 1, 2022, the office  
14-14 shall notify each court clerk, judge or other magistrate, and  
14-15 office of an attorney representing the state.

14-16 SECTION 20. (a) As soon as practicable but not later than  
14-17 January 1, 2022, the Office of Court Administration of the Texas  
14-18 Judicial System shall:

14-19 (1) promulgate the forms required by Articles  
14-20 17.028(g) and 17.51(g), Code of Criminal Procedure, as added by  
14-21 this Act, and by Section 72.038, Government Code, as added by this  
14-22 Act; and

14-23 (2) develop or approve and make available the training  
14-24 courses and certification method as described by Article 17.024,  
14-25 Code of Criminal Procedure, as added by this Act, and develop the  
14-26 procedures and prescribe the forms required by Article 17.53, Code  
14-27 of Criminal Procedure, as added by this Act.

14-28 (b) If the items described by Subsection (a) of this section  
14-29 are made available before January 1, 2022, the office shall notify  
14-30 each court clerk, judge or other magistrate, and office of an  
14-31 attorney representing the state.

14-32 SECTION 21. Section 117.055, Local Government Code, as  
14-33 amended by this Act, applies only to a withdrawal of funds from a  
14-34 court registry under Section 117.055, Local Government Code, made  
14-35 on or after the effective date provided by Section 23(c) of this  
14-36 Act. A withdrawal of funds from a court registry made before the  
14-37 effective date provided by Section 23(c) of this Act is governed by  
14-38 the law in effect on the date the withdrawal was made, and the  
14-39 former law is continued in effect for that purpose.

14-40 SECTION 22. The changes in law made by this Act apply only  
14-41 to a person who is arrested on or after the effective date of this  
14-42 Act. A person arrested before the effective date of this Act is  
14-43 governed by the law in effect on the date the person was arrested,  
14-44 and the former law is continued in effect for that purpose.

14-45 SECTION 23. (a) Except as provided by Subsection (b) or (c)  
14-46 of this section or another provision of this Act, this Act takes  
14-47 effect January 1, 2022.

14-48 (b) Article 17.15(b), Code of Criminal Procedure, as added  
14-49 by this Act, takes effect June 1, 2022, but only if the  
14-50 constitutional amendment proposed by the 87th Legislature, 2nd  
14-51 Called Session, 2021, requiring a judge or magistrate to impose the  
14-52 least restrictive conditions of bail that may be necessary and  
14-53 authorizing the denial of bail under some circumstances to a person  
14-54 accused of a violent or sexual offense or of continuous trafficking  
14-55 of persons is approved by the voters. If that amendment is not  
14-56 approved by the voters, Article 17.15(b), Code of Criminal  
14-57 Procedure, has no effect.

14-58 (c) Articles 17.021 and 17.024, Code of Criminal Procedure,  
14-59 as added by this Act, and Sections 4, 17, 19, 20, and 21 of this Act  
14-60 take effect on the 91st day after the last day of the legislative  
14-61 session.

14-62 \* \* \* \* \*