

AN ACT

relating to the requisites of a bail bond given by certain defendants and to conditions of release on bond for certain defendants.

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

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.081 to read as follows:

Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY CERTAIN DEFENDANTS. In addition to the requirements of Article 17.08, a bail bond for a defendant charged with an offense under Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code, must include the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety, including any agent executing the bail bond on behalf of a corporation acting as surety.

SECTION 2. Article 17.41(a), Code of Criminal Procedure, is amended to read as follows:

(a) This article applies to a defendant charged with an offense under any of the following provisions of the Penal Code, if committed against a child younger than 18 [~~14~~] years of age:

(1) Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), [~~or~~] 22 (Assaultive Offenses), or 43 (Public Indecency);

or

1 (2) Section 25.02 (Prohibited Sexual Conduct) [~~7-02~~
2 [~~(3) Section 43.25 (Sexual Performance by a Child)~~].

3 SECTION 3. Chapter 17, Code of Criminal Procedure, is
4 amended by adding Article 17.465 to read as follows:

5 Art. 17.465. CONDITIONS FOR DEFENDANT CHARGED WITH CERTAIN
6 TRAFFICKING OR PROSTITUTION RELATED OFFENSES INVOLVING ADULT
7 VICTIMS. (a) This article does not apply with respect to a
8 defendant to whom Article 17.41 applies.

9 (b) A magistrate shall require as a condition of release on
10 bond that a defendant charged with an offense under Section 20A.02,
11 20A.03, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code,
12 committed against a person 18 years of age or older may not:

13 (1) communicate directly or indirectly with the
14 victim; or

15 (2) go to or near:

16 (A) the residence, place of employment, or
17 business of the victim; or

18 (B) if applicable, a school, day-care facility,
19 or similar facility where a dependent child of the victim is in
20 attendance.

21 (c) The magistrate shall specifically describe the
22 prohibited locations under Subsection (b)(2) and the minimum
23 distances, if any, that the defendant must maintain from the
24 locations.

25 (d) At a hearing limited to determining whether the
26 defendant violated a condition of bond imposed under Subsection
27 (b), the magistrate may revoke the defendant's bond only if the

1 magistrate finds by a preponderance of the evidence that the
2 violation occurred. If the magistrate finds that the violation
3 occurred, the magistrate shall revoke the defendant's bond and
4 order that the defendant be immediately returned to custody. Once
5 the defendant is placed in custody, the revocation of the
6 defendant's bond discharges the sureties on the bond, if any, from
7 any future liability on the bond. A discharge under this subsection
8 from any future liability on the bond does not discharge any surety
9 from liability for previous forfeitures on the bond.

10 SECTION 4. Article 17.081, Code of Criminal Procedure, as
11 added by this Act, applies only to a bail bond that is executed on or
12 after the effective date of this Act. A bail bond executed before
13 the effective date of this Act is governed by the law in effect on
14 the date the bail bond was executed, and the former law is continued
15 in effect for that purpose.

16 SECTION 5. Article 17.41(a), Code of Criminal Procedure, as
17 amended by this Act, and Article 17.465, Code of Criminal
18 Procedure, as added by this Act, apply only to a person who is
19 arrested on or after the effective date of this Act. A person
20 arrested before the effective date of this Act is governed by the
21 law in effect on the date the person was arrested, and the former
22 law is continued in effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 1005 was passed by the House on April 27, 2021, by the following vote: Yeas 141, Nays 5, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1005 was passed by the Senate on May 19, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor