

1-1 By: Leman, et al. (Senate Sponsor - Huffman) H.B. No. 1005
1-2 (In the Senate - Received from the House April 27, 2021;
1-3 May 6, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 14, 2021, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 14, 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 the requisites of a bail bond given by certain
1-16 defendants and to conditions of release on bond for certain
1-17 defendants.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Chapter 17, Code of Criminal Procedure, is
1-20 amended by adding Article 17.081 to read as follows:

1-21 Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY
1-22 CERTAIN DEFENDANTS. In addition to the requirements of Article
1-23 17.08, a bail bond for a defendant charged with an offense under
1-24 Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.04, 43.041, or
1-25 43.05, Penal Code, must include the address, identification number,
1-26 and state of issuance as shown on a valid driver's license or
1-27 identification card for the defendant and any surety, including any
1-28 agent executing the bail bond on behalf of a corporation acting as
1-29 surety.

1-30 SECTION 2. Article 17.41(a), Code of Criminal Procedure, is
1-31 amended to read as follows:

1-32 (a) This article applies to a defendant charged with an
1-33 offense under any of the following provisions of the Penal Code, if
1-34 committed against a child younger than 18 [14] years of age:

1-35 (1) Chapter 20A (Trafficking of Persons), 21 (Sexual
1-36 Offenses), ~~or~~ 22 (Assaultive Offenses), or 43 (Public Indecency);
1-37 or

1-38 (2) Section 25.02 (Prohibited Sexual Conduct) [~~or~~
1-39 ~~(3) Section 43.25 (Sexual Performance by a Child)~~].

1-40 SECTION 3. Chapter 17, Code of Criminal Procedure, is
1-41 amended by adding Article 17.465 to read as follows:

1-42 Art. 17.465. CONDITIONS FOR DEFENDANT CHARGED WITH CERTAIN
1-43 TRAFFICKING OR PROSTITUTION RELATED OFFENSES INVOLVING ADULT
1-44 VICTIMS. (a) This article does not apply with respect to a
1-45 defendant to whom Article 17.41 applies.

1-46 (b) A magistrate shall require as a condition of release on
1-47 bond that a defendant charged with an offense under Section 20A.02,
1-48 20A.03, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code,
1-49 committed against a person 18 years of age or older may not:

1-50 (1) communicate directly or indirectly with the
1-51 victim; or

1-52 (2) go to or near:

1-53 (A) the residence, place of employment, or
1-54 business of the victim; or

1-55 (B) if applicable, a school, day-care facility,
1-56 or similar facility where a dependent child of the victim is in
1-57 attendance.

1-58 (c) The magistrate shall specifically describe the
1-59 prohibited locations under Subsection (b)(2) and the minimum
1-60 distances, if any, that the defendant must maintain from the
1-61 locations.

2-1 (d) At a hearing limited to determining whether the
2-2 defendant violated a condition of bond imposed under Subsection
2-3 (b), the magistrate may revoke the defendant's bond only if the
2-4 magistrate finds by a preponderance of the evidence that the
2-5 violation occurred. If the magistrate finds that the violation
2-6 occurred, the magistrate shall revoke the defendant's bond and
2-7 order that the defendant be immediately returned to custody. Once
2-8 the defendant is placed in custody, the revocation of the
2-9 defendant's bond discharges the sureties on the bond, if any, from
2-10 any future liability on the bond. A discharge under this subsection
2-11 from any future liability on the bond does not discharge any surety
2-12 from liability for previous forfeitures on the bond.

2-13 SECTION 4. Article 17.081, Code of Criminal Procedure, as
2-14 added by this Act, applies only to a bail bond that is executed on or
2-15 after the effective date of this Act. A bail bond executed before
2-16 the effective date of this Act is governed by the law in effect on
2-17 the date the bail bond was executed, and the former law is continued
2-18 in effect for that purpose.

2-19 SECTION 5. Article 17.41(a), Code of Criminal Procedure, as
2-20 amended by this Act, and Article 17.465, Code of Criminal
2-21 Procedure, as added by this Act, apply only to a person who is
2-22 arrested on or after the effective date of this Act. A person
2-23 arrested before the effective date of this Act is governed by the
2-24 law in effect on the date the person was arrested, and the former
2-25 law is continued in effect for that purpose.

2-26 SECTION 6. This Act takes effect September 1, 2021.

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