

Suspending limitations on conference committee
jurisdiction, H.B. No. 20 (Murr/Huffman)

By: Murr

H.R. No. 2076

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 87th Legislature, Regular Session, 2021, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 20 (rules for setting the
6 amount of bail, to the release of certain defendants on a monetary
7 bond or personal bond, to related duties of certain officers taking
8 bail bonds and of a magistrate in a criminal case, to charitable
9 bail organizations, and to the reporting of information pertaining
10 to bail bonds) to consider and take action on the following matters:

11 (1) House Rule 13, Section 9(a)(4), is suspended to permit
12 the committee to add text on a matter not included in either the
13 house or senate version of the bill in SECTION 4 of the bill, in
14 added Articles 17.021(b), (d), (e), and (f), Code of Criminal
15 Procedure, to read as follows:

16 (b) The public safety report system must:

17 (1) state the requirements for setting bail under
18 Article 17.15;

19 (2) incorporate a form that must be signed by the
20 person setting bail and that lists each factor provided by Article
21 17.15(a) and requires the person setting bail to certify on the form
22 that the person considered each of those factors;

23 (3) provide information on the eligibility of the
24 defendant for a personal bond;

1 (4) provide, in summary form, the criminal history of
2 the defendant;

3 (5) provide information regarding the applicability
4 of any required or discretionary bond conditions; and

5 (6) collect information on the bail decision.

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

7 (1) be the only item relied upon by a judge or
8 magistrate in making a bail decision; or

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

12 (e) As a component of the public safety report system, the
13 office shall electronically collect each form completed under
14 Subsection (b)(2) and shall use those forms to collect data
15 regarding the number of defendants for whom bail was set during the
16 preceding state fiscal year, including:

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

18 (2) the number of personal bonds; and

19 (3) the number of monetary bonds.

20 (f) Not later than December 1 of each year, the office shall
21 submit a report containing the data collected from the public
22 safety report system during the preceding state fiscal year to the
23 governor, the lieutenant governor, the speaker of the house of
24 representatives, and the presiding officers of the standing
25 committees of each house of the legislature with jurisdiction over
26 the judiciary.

27 Explanation: This change is necessary to clarify the

1 requirements of the public safety report system.

2 (2) House Rule 13, Section 9(a)(4), is suspended to permit
3 the committee to add text on a matter not included in either the
4 house or senate version of the bill in SECTION 5 of the bill, in
5 added Article 17.03(b-2), Code of Criminal Procedure, to read as
6 follows:

7 (b-2) Notwithstanding any other law, a defendant may not be
8 released on personal bond if the defendant:

9 (1) is charged with an offense under the following
10 provisions of the Penal Code:

11 (A) Section 19.02 (murder);

12 (B) Section 19.03 (capital murder);

13 (C) Section 20A.02 (trafficking of persons);

14 (D) Section 20A.03 (continuous trafficking of
15 persons);

16 (E) Section 21.02 (continuous sexual abuse of
17 young child or children);

18 (F) Section 21.11 (indecent with a child);

19 (G) Section 22.01(a)(1) (assault), if the
20 offense is punishable as a felony of the second degree under
21 Subsection (b-2) of that section;

22 (H) Section 22.02 (aggravated assault);

23 (I) Section 22.021 (aggravated sexual assault);

24 (J) Section 25.072 (repeated violation of
25 certain court orders or conditions of bond in family violence,
26 child abuse or neglect, sexual assault or abuse, indecent assault,
27 stalking, or trafficking case);

1 (K) Section 25.11 (continuous violence against
2 the family);

3 (L) Section 38.14 (taking or attempting to take
4 weapon from peace officer, federal special investigator, employee
5 or official of correctional facility, parole officer, community
6 supervision and corrections department officer, or commissioned
7 security officer);

8 (M) Section 43.04 (aggravated promotion of
9 prostitution);

10 (N) Section 43.05 (compelling prostitution); or

11 (O) Section 43.25 (sexual performance by a
12 child); or

13 (2) while released on bail or community supervision
14 for an offense listed in Subdivision (1), is charged with
15 committing:

16 (A) an offense under the following provisions of
17 the Penal Code:

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

19 (ii) Section 22.05 (deadly conduct);

20 (iii) Section 22.07 (terroristic threat);

21 or

22 (iv) Section 42.01(a)(7) or (8) (disorderly
23 conduct involving firearm); or

24 (B) any offense punishable as a felony.

25 Explanation: This change is necessary to clarify which
26 persons are ineligible to be released on personal bond.

27 (3) House Rule 13, Section 9(a)(4), is suspended to permit

1 the committee to add text on a matter not included in either the
2 house or senate version of the bill in SECTION 7 of the bill, in
3 added Article 17.15(a)(6), Code of Criminal Procedure, to read as
4 follows:

5 6. The criminal history record information for the
6 defendant, including information obtained through the statewide
7 telecommunications system maintained by the Department of Public
8 Safety and through the public safety report system developed under
9 Article 17.021, shall be considered, including any acts of family
10 violence, other pending criminal charges, and any instances in
11 which the defendant failed to appear in court following release on
12 bail.

13 Explanation: This change is necessary to explain the
14 responsibilities of a person setting bail with respect to a
15 defendant's criminal history.

16 (4) House Rule 13, Section 9(a)(4), is suspended to permit
17 the committee to add text on a matter not included in either the
18 house or senate version of the bill in SECTION 10 of the bill, in
19 added Article 17.50(h), Code of Criminal Procedure, to read as
20 follows:

21 (h) The clerk of the court is not required to send a copy of
22 an order under Subsection (a) if the Office of Court Administration
23 of the Texas Judicial System develops a means to cause a notice of
24 conditions of release on bond to be electronically delivered to the
25 applicable parties required by that subsection.

26 Explanation: This change is needed to provide for an
27 alternative means of delivery for certain notices.