

By: Huffman

S.B. No. 317

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requisites of a bail bond given by certain
3 defendants and to conditions of release on bond for certain
4 defendants.

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

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

8 Art. 17.081. ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY
9 CERTAIN DEFENDANTS. In addition to the requirements of Article
10 17.08, a bail bond for a defendant charged with an offense under
11 Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.04, 43.041, or
12 43.05, Penal Code, must include the address, identification number,
13 and state of issuance as shown on a valid driver's license or
14 identification card for the defendant and any surety, including any
15 agent executing the bail bond on behalf of a corporation acting as
16 surety.

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

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

22 (1) Chapter 20A (Trafficking of Persons), 21 (Sexual
23 Offenses), [~~or~~] 22 (Assaultive Offenses), or 43 (Public Indecency);
24 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. (a) A magistrate
7 shall require as a condition of release on bond that a defendant
8 charged with an offense under Section 20A.02, 20A.03, 43.03,
9 43.031, 43.04, 43.041, or 43.05, Penal Code, may not:

10 (1) communicate directly or indirectly with the
11 victim; or

12 (2) go to or near:

13 (A) the residence, place of employment, or
14 business of the victim; or

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

18 (b) The magistrate shall specifically describe the
19 prohibited locations under Subsection (a)(2) and the minimum
20 distances, if any, that the defendant must maintain from the
21 locations.

22 (c) At a hearing limited to determining whether the
23 defendant violated a condition of bond imposed under Subsection
24 (a), the magistrate may revoke the defendant's bond only if the
25 magistrate finds by a preponderance of the evidence that the
26 violation occurred. If the magistrate finds that the violation
27 occurred, the magistrate shall revoke the defendant's bond and

1 order that the defendant be immediately returned to custody. Once
2 the defendant is placed in custody, the revocation of the
3 defendant's bond discharges the sureties on the bond, if any, from
4 any future liability on the bond. A discharge under this subsection
5 from any future liability on the bond does not discharge any surety
6 from liability for previous forfeitures on the bond.

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

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

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