

By: Smith

H.B. No. 3400

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release of defendants on bail, the duties of a
3 magistrate in certain criminal proceedings, and the appointment of
4 certain criminal law hearing officers; creating a criminal offense.

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

6 SECTION 1. Articles 14.03(a) and (b), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) Any peace officer may arrest, without warrant:

9 (1) persons found in suspicious places and under
10 circumstances which reasonably show that such persons have been
11 guilty of some felony, violation of Title 9, Chapter 42, Penal Code,
12 breach of the peace, or offense under Section 49.02, Penal Code, or
13 threaten, or are about to commit some offense against the laws;

14 (2) persons who the peace officer has probable cause
15 to believe have committed an assault resulting in bodily injury to
16 another person and the peace officer has probable cause to believe
17 that there is danger of further bodily injury to that person;

18 (3) persons who the peace officer has probable cause
19 to believe have committed an offense defined by Section 25.07 or
20 38.112, Penal Code, if the offense is not committed in the presence
21 of the peace officer;

22 (4) persons who the peace officer has probable cause
23 to believe have committed an offense involving family violence;

24 (5) persons who the peace officer has probable cause

1 to believe have prevented or interfered with an individual's
2 ability to place a telephone call in an emergency, as defined by
3 Section 42.062(d), Penal Code, if the offense is not committed in
4 the presence of the peace officer; or

5 (6) a person who makes a statement to the peace officer
6 that would be admissible against the person under Article 38.21 and
7 establishes probable cause to believe that the person has committed
8 a felony.

9 (b) A peace officer shall arrest, without a warrant, a
10 person the peace officer has probable cause to believe has
11 committed an offense under Section 25.07 or 38.112, Penal Code, if
12 the offense is committed in the presence of the peace officer.

13 SECTION 2. Article 15.17, Code of Criminal Procedure, is
14 amended by adding Subsection (h) to read as follows:

15 (h) If a magistrate determines that no probable cause exists
16 to believe that the person committed the offense for which the
17 person was arrested, the magistrate shall make oral or written
18 findings of fact and conclusions of law on the record to support
19 that finding.

20 SECTION 3. Article 17.021, Code of Criminal Procedure, is
21 amended by adding Subsection (h) to read as follows:

22 (h) The office shall, without cost to the county, allow a
23 county to integrate with the public safety report system the jail
24 records management system and case management system used by the
25 county.

26 SECTION 4. Article 17.022, Code of Criminal Procedure, is
27 amended by adding Subsection (g) to read as follows:

1 (g) In the manner described by this article, a magistrate
2 may order, prepare, or consider a public safety report in setting
3 bail for a defendant who is not in custody at the time the report is
4 ordered, prepared, or considered.

5 SECTION 5. The heading to Article 17.027, Code of Criminal
6 Procedure, is amended to read as follows:

7 Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH
8 FELONY OFFENSE [~~COMMITTED WHILE ON BAIL~~].

9 SECTION 6. Article 17.027, Code of Criminal Procedure, is
10 amended by amending Subsection (a) and adding Subsections (a-1),
11 (c), and (d) to read as follows:

12 (a) Notwithstanding any other law:

13 (1) if a defendant is charged with committing an
14 offense punishable as a felony while released on bail in a pending
15 case for another offense punishable as a felony and the subsequent
16 offense was committed in the same county as the previous offense,
17 the defendant may be released on bail only by:

18 (A) the court before whom the case for the
19 previous offense is pending; or

20 (B) another court designated in writing by the
21 court described by Paragraph (A); and

22 (2) if a defendant is charged with committing an
23 offense punishable as a felony while released on bail for another
24 pending offense punishable as a felony and the subsequent offense
25 was committed in a different county than the previous offense,
26 electronic notice of the charge must be [~~promptly~~] given to the
27 individual designated to receive electronic notices for the county

1 in which the previous offense was committed, not later than the next
2 business day after the date the defendant is charged, for purposes
3 of the court specified by Subdivision (1) [~~for purposes of~~]
4 reevaluating the bail decision, determining whether any bail
5 conditions were violated, or taking any other applicable action.

6 (a-1) A criminal law hearing officer appointed under
7 Chapter 54, Government Code, may not release on bail a defendant
8 who:

9 (1) is charged with committing an offense punishable
10 as a felony if the defendant:

11 (A) was on parole at the time of the offense;

12 (B) has previously been finally convicted of two
13 or more offenses punishable as a felony and for which the defendant
14 was imprisoned in the Texas Department of Criminal Justice; or

15 (C) is subject to an immigration detainer issued
16 by United States Immigration and Customs Enforcement; or

17 (2) is charged with committing an offense under the
18 following provisions of the Penal Code:

19 (A) Section 19.02 (murder);

20 (B) Section 19.03 (capital murder);

21 (C) Section 20.04 (aggravated kidnapping);

22 (D) Section 22.02 (aggravated assault); or

23 (E) Section 22.021 (aggravated sexual assault).

24 (c) Each county shall designate an individual to receive
25 electronic notices under Subsection (a)(2). The county shall
26 ensure that the name and contact information of the individual
27 designated to receive notices under this subsection is provided on

1 all criminal history and warrant documents issued by the county.

2 (d) An individual designated under Subsection (c) who
3 receives an electronic notice under Subsection (a) shall promptly
4 provide the notice to the court specified by Subsection (a)(1) and
5 to the attorney representing the state in the pending case for the
6 offense for which the defendant was initially released on bail. A
7 notice provided under this subsection does not constitute an ex
8 parte communication.

9 SECTION 7. Article 17.03(b-2), Code of Criminal Procedure,
10 is amended to read as follows:

11 (b-2) Except as provided by Articles 15.21, 17.033, and
12 17.151, a defendant may not be released on personal bond if the
13 defendant:

14 (1) is charged with:

15 (A) an offense involving violence; or

16 (B) an offense under:

17 (i) Section 481.1123, Health and Safety
18 Code (manufacture or delivery of substance in Penalty Group 1-B);

19 (ii) Section 22.07, Penal Code (terroristic
20 threat);

21 (iii) Section 25.07, Penal Code (violation
22 of certain court orders in family violence and certain other
23 cases);

24 (iv) Section 38.112, Penal Code (violation
25 of bond condition); or

26 (v) Section 46.04(a), Penal Code (unlawful
27 possession of firearm); or

1 (2) while released on bail or community supervision
2 for an offense involving violence, is charged with committing:

3 (A) any offense punishable as a felony; or

4 (B) an offense under the following provisions of
5 the Penal Code:

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

7 (ii) Section 22.05 (deadly conduct); or

8 (iii) [~~Section 22.07 (terroristic threat);~~

9 ~~or~~

10 [~~(iv)~~] Section 42.01(a)(7) or (8)
11 (disorderly conduct involving firearm).

12 SECTION 8. Article 17.03(b-3)(2), Code of Criminal
13 Procedure, is amended to read as follows:

14 (2) "Offense involving violence" means an offense
15 under the following provisions of the Penal Code:

16 (A) Section 19.02 (murder);

17 (B) Section 19.03 (capital murder);

18 (C) Section 20.03 (kidnapping);

19 (D) Section 20.04 (aggravated kidnapping);

20 (E) Section 20A.02 (trafficking of persons);

21 (F) Section 20A.03 (continuous trafficking of
22 persons);

23 (G) Section 21.02 (continuous sexual abuse of
24 young child or disabled individual);

25 (H) Section 21.11 (indecent with a child);

26 (I) Section 22.01(a)(1) (assault), if the
27 offense is:

- 1 (i) punishable as a felony of the second
2 degree under Subsection (b-2) of that section; or
- 3 (ii) punishable as a felony and involved
4 family violence as defined by Section 71.004, Family Code;
- 5 (J) Section 22.011 (sexual assault);
- 6 (K) Section 22.02 (aggravated assault);
- 7 (L) Section 22.021 (aggravated sexual assault);
- 8 (M) Section 22.04 (injury to a child, elderly
9 individual, or disabled individual);
- 10 (N) Section 25.072 (repeated violation of
11 certain court orders [~~or conditions of bond~~] in family violence and
12 certain other cases [~~, child abuse or neglect, sexual assault or~~
13 ~~abuse, indecent assault, stalking, or trafficking case~~]);
- 14 (O) Section 25.11 (continuous violence against
15 the family);
- 16 (P) Section 29.03 (aggravated robbery);
- 17 (Q) Section 38.14 (taking or attempting to take
18 weapon from peace officer, federal special investigator, employee
19 or official of correctional facility, parole officer, community
20 supervision and corrections department officer, or commissioned
21 security officer);
- 22 (R) Section 43.04 (aggravated promotion of
23 prostitution), if the defendant is not alleged to have engaged in
24 conduct constituting an offense under Section 43.02(a);
- 25 (S) Section 43.05 (compelling prostitution); or
- 26 (T) Section 43.25 (sexual performance by a
27 child).

1 SECTION 9. Articles 17.152(b), (c), (d), and (f), Code of
2 Criminal Procedure, are amended to read as follows:

3 (b) A [~~Except as otherwise provided by Subsection (d), a~~]
4 person who commits an offense under Section 38.112 [~~25.07~~], Penal
5 Code, related to a violation of a condition of bond set in a family
6 violence case and whose bail in the case under Section 38.112
7 [~~25.07~~], Penal Code, or in the family violence case is revoked or
8 forfeited for a violation of a condition of bond may be taken into
9 custody and, pending trial or other court proceedings, denied
10 release on bail if following a hearing a judge or magistrate
11 determines by a preponderance of the evidence that the person
12 violated a condition of bond related to:

13 (1) the safety of the victim of the offense under
14 Section 38.112 [~~25.07~~], Penal Code, or the family violence case, as
15 applicable; or

16 (2) the safety of the community.

17 (c) Except as otherwise provided by Subsection (d), a person
18 who commits an offense under Section 25.07, Penal Code, or an
19 offense under Section 38.112, Penal Code, other than an offense
20 related to a violation of a condition of bond set in a family
21 violence case, may be taken into custody and, pending trial or other
22 court proceedings, denied release on bail if following a hearing a
23 judge or magistrate determines by a preponderance of the evidence
24 that the person committed the offense.

25 (d) A person who commits an offense under Section
26 25.07(a)(3), Penal Code, may be held without bail under Subsection
27 [~~(b) or~~] (c) [~~, as applicable,~~] only if following a hearing the judge

1 or magistrate determines by a preponderance of the evidence that
2 the person went to or near the place described in the order [~~or~~
3 ~~condition of bond~~] with the intent to commit or threaten to commit:

- 4 (1) family violence; or
5 (2) an act in furtherance of an offense under Section
6 [42.072](#), Penal Code.

7 (f) A person arrested for committing an offense under
8 Section [25.07](#) or [38.112](#), Penal Code, shall without unnecessary
9 delay and after reasonable notice is given to the attorney
10 representing the state, but not later than 48 hours after the person
11 is arrested, be taken before a magistrate in accordance with
12 Article [15.17](#). At that time, the magistrate shall conduct the
13 hearing and make the determination required by this article.

14 SECTION 10. Article [17.21](#), Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 17.21. BAIL IN FELONY. (a) In cases of felony, when
17 the accused is in custody of the sheriff or other officer, and the
18 court before which the prosecution is pending is in session in the
19 county where the accused is in custody, the court shall fix the
20 amount of bail, if it is aailable case and determine if the
21 accused is eligible for a personal bond; and the sheriff or other
22 peace officer, unless it be the police of a city, or a jailer
23 licensed under Chapter [1701](#), Occupations Code, is authorized to
24 take a bail bond of the accused in the amount as fixed by the court,
25 to be approved by such officer taking the same, and will thereupon
26 discharge the accused from custody. The defendant and the
27 defendant's sureties are not required to appear in court.

1 (b) Notwithstanding Subsection (a), a magistrate may not
2 release on bail a defendant charged with an offense punishable as a
3 felony unless:

4 (1) the defendant has appeared before the magistrate;
5 and

6 (2) the magistrate has considered the public safety
7 report prepared under Article 17.022 for the defendant.

8 SECTION 11. Articles 44.01(a) and (g), Code of Criminal
9 Procedure, are amended to read as follows:

10 (a) The state is entitled to appeal an order of a court in a
11 criminal case if the order:

12 (1) dismisses an indictment, information, or
13 complaint or any portion of an indictment, information, or
14 complaint;

15 (2) arrests or modifies a judgment;

16 (3) grants a new trial;

17 (4) sustains a claim of former jeopardy;

18 (5) grants a motion to suppress evidence, a
19 confession, or an admission, if jeopardy has not attached in the
20 case and if the prosecuting attorney certifies to the trial court
21 that the appeal is not taken for the purpose of delay and that the
22 evidence, confession, or admission is of substantial importance in
23 the case; ~~or~~

24 (6) is issued under Chapter 64; or

25 (7) grants bail, in an amount considered insufficient
26 by the attorney representing the state, to a defendant who:

27 (A) is charged with an offense punishable as a

1 felony; and

2 (B) has previously been granted bail for an
3 offense punishable as a felony.

4 (g) If the state appeals pursuant to this article and the
5 defendant is on bail, the defendant [~~he~~] shall be permitted to
6 remain at large on the existing bail. If the defendant is in
7 custody, the defendant [~~he~~] is entitled to reasonable bail, as
8 provided by law, unless the appeal is from an order which would:

9 (1) terminate the prosecution, in which event the
10 defendant is entitled to release on personal bond; or

11 (2) grant bail in an amount considered insufficient by
12 the attorney representing the state, in which event the defendant
13 shall be held in custody during the pendency of the appeal.

14 SECTION 12. Section 25.0172(c-1), Government Code, is
15 amended to read as follows:

16 (c-1) The County Courts at Law Nos. 7 and 13 of Bexar County,
17 Texas, shall give preference to cases prosecuted under:

18 (1) Section 22.01, Penal Code, in which the victim is a
19 person whose relationship to or association with the defendant is
20 described by Chapter 71, Family Code; [~~and~~]

21 (2) Section 25.07 or 25.072, Penal Code; and

22 (3) Section 38.112, Penal Code, if the person violated
23 a condition of bond set in a case involving family violence, as
24 defined by Section 71.004, Family Code, or involving an offense
25 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,
26 or 42.072, Penal Code.

27 SECTION 13. Section 25.0732(z), Government Code, is amended

1 to read as follows:

2 (z) The County Criminal Courts No. 1, No. 2, No. 3, and No. 4
3 have the criminal jurisdiction provided by this section and other
4 law for statutory county courts in El Paso County and appellate
5 jurisdiction in appeals of criminal cases from justice courts and
6 municipal courts in the county as provided by Article 45.042, Code
7 of Criminal Procedure. The County Criminal Court No. 4 shall give
8 preference to cases prosecuted under:

9 (1) Section 22.01, Penal Code, in which the victim is a
10 person whose relationship to or association with the defendant is
11 described under Chapter 71, Family Code; ~~and~~

12 (2) Section 25.07, Penal Code; and

13 (3) Section 38.112, Penal Code, if the person violated
14 a condition of bond set in a case involving family violence, as
15 defined by Section 71.004, Family Code, or involving an offense
16 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,
17 or 42.072, Penal Code.

18 SECTION 14. Section 25.2223(1), Government Code, is amended
19 to read as follows:

20 (1) The County Criminal Court No. 5 of Tarrant County and
21 the County Criminal Court No. 6 of Tarrant County shall give
22 preference to cases brought under:

23 (1) Title 5, Penal Code, involving family violence as
24 defined by Section 71.004, Family Code;

25 (2) ~~[, and cases brought under]~~ Sections 25.07,
26 25.072, and 42.072, Penal Code; and

27 (3) Section 38.112, Penal Code, if the person violated

1 a condition of bond set in a case involving family violence, as
2 defined by Section 71.004, Family Code, or involving an offense
3 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021,
4 or 42.072, Penal Code.

5 SECTION 15. Section 54.852, Government Code, is amended by
6 amending Subsections (a), (b), and (c) and adding Subsections (a-1)
7 and (b-1) to read as follows:

8 (a) A board composed of three judges of the district courts
9 of Harris County trying criminal cases, three judges of the county
10 criminal courts at law, and three justices of the peace in Harris
11 County may appoint criminal law hearing officers [~~, with the consent~~
12 ~~and approval of the commissioners court,~~] to perform the duties
13 authorized by this subchapter if:

14 (1) the presiding judge of the administrative judicial
15 region that includes Harris County approves the appointment; and

16 (2) the county auditor certifies that the expenses
17 incurred by the appointment will not exceed the applicable budget
18 appropriation.

19 (a-1) A quorum is two-thirds of the members of the board.

20 (b) The board shall ensure that the criminal law hearing
21 officers appointed under this subchapter are:

22 (1) representative of the race, sex, national origin,
23 and ethnicity of the population of Harris County; and

24 (2) certified in criminal law by the Texas Board of
25 Legal Specialization.

26 (b-1) The board is subject to Chapter 551, Government Code.

27 (c) A criminal law hearing officer serves a one-year term

1 and may be reappointed at the end of a term [~~continues to serve~~
2 ~~until a successor is appointed~~].

3 SECTION 16. Section 72.038, Government Code, is amended by
4 adding Subsection (b-1) to read as follows:

5 (b-1) A person who releases a defendant on bail under the
6 authority of a standing order related to bail shall complete the
7 form required under this section.

8 SECTION 17. Section 411.074(b), Government Code, is amended
9 to read as follows:

10 (b) A person may not be granted an order of nondisclosure of
11 criminal history record information under this subchapter and is
12 not entitled to petition the court for an order of nondisclosure
13 under this subchapter if:

14 (1) the person requests the order of nondisclosure
15 for, or the person has been previously convicted of or placed on
16 deferred adjudication community supervision for:

17 (A) an offense requiring registration as a sex
18 offender under Chapter 62, Code of Criminal Procedure;

19 (B) an offense under Section 20.04, Penal Code,
20 regardless of whether the offense is a reportable conviction or
21 adjudication for purposes of Chapter 62, Code of Criminal
22 Procedure;

23 (C) an offense under Section 19.02, 19.03,
24 20A.02, 20A.03, 22.04, 22.041, 25.07, 25.072, 38.112, or 42.072,
25 Penal Code; or

26 (D) any other offense involving family violence,
27 as defined by Section 71.004, Family Code; or

1 (2) the court makes an affirmative finding that the
2 offense for which the order of nondisclosure is requested involved
3 family violence, as defined by Section 71.004, Family Code.

4 SECTION 18. Section 411.1711, Government Code, is amended
5 to read as follows:

6 Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A
7 person is not convicted, as that term is defined by Section 411.171,
8 if an order of deferred adjudication was entered against the person
9 on a date not less than 10 years preceding the date of the person's
10 application for a license under this subchapter unless the order of
11 deferred adjudication was entered against the person for:

12 (1) a felony offense under:

13 (A) Title 5, Penal Code;

14 (B) Chapter 29, Penal Code;

15 (C) Section 25.07, ~~or~~ 25.072, or 38.112, Penal
16 Code; or

17 (D) Section 30.02, Penal Code, if the offense is
18 punishable under Subsection (c)(2) or (d) of that section; or

19 (2) an offense under the laws of another state if the
20 offense contains elements that are substantially similar to the
21 elements of an offense listed in Subdivision (1).

22 SECTION 19. Section 164.057(a), Occupations Code, is
23 amended to read as follows:

24 (a) The board shall suspend a physician's license on proof
25 that the physician has been:

26 (1) initially convicted of:

27 (A) a felony;

1 (B) a misdemeanor under Chapter 22, Penal Code,
2 other than a misdemeanor punishable by fine only;

3 (C) a misdemeanor on conviction of which a
4 defendant is required to register as a sex offender under Chapter
5 62, Code of Criminal Procedure;

6 (D) a misdemeanor under Section 25.07, Penal
7 Code; [~~or~~]

8 (E) a misdemeanor under Section 25.071, Penal
9 Code; or

10 (F) a misdemeanor under Section 38.112, Penal
11 Code; or

12 (2) subject to an initial finding by the trier of fact
13 of guilt of a felony under:

14 (A) Chapter 481 or 483, Health and Safety Code;

15 (B) Section 485.033, Health and Safety Code; or

16 (C) the Comprehensive Drug Abuse Prevention and
17 Control Act of 1970 (21 U.S.C. Section 801 et seq.).

18 SECTION 20. Section 201.5065(a), Occupations Code, is
19 amended to read as follows:

20 (a) The board shall suspend a chiropractor's license on
21 proof that the chiropractor has been:

22 (1) initially convicted of:

23 (A) a felony;

24 (B) a misdemeanor under Chapter 22, Penal Code,
25 other than a misdemeanor punishable by fine only;

26 (C) a misdemeanor on conviction of which a
27 defendant is required to register as a sex offender under Chapter

1 62, Code of Criminal Procedure;

2 (D) a misdemeanor under Section 25.07, Penal
3 Code; [~~or~~]

4 (E) a misdemeanor under Section 25.071, Penal
5 Code; or

6 (F) a misdemeanor under Section 38.112, Penal
7 Code; or

8 (2) subject to an initial finding by the trier of fact
9 of guilt of a felony under:

10 (A) Chapter 481 or 483, Health and Safety Code;

11 (B) Section 485.033, Health and Safety Code; or

12 (C) the Comprehensive Drug Abuse Prevention and
13 Control Act of 1970 (21 U.S.C. Section 801 et seq.).

14 SECTION 21. Section 263.006(a), Occupations Code, is
15 amended to read as follows:

16 (a) The board shall suspend a license holder's license
17 issued under this subtitle on proof that the person has been:

18 (1) initially convicted of:

19 (A) a felony;

20 (B) a misdemeanor under Chapter 22, Penal Code,
21 other than a misdemeanor punishable by fine only;

22 (C) a misdemeanor on conviction of which a
23 defendant is required to register as a sex offender under Chapter
24 62, Code of Criminal Procedure;

25 (D) a misdemeanor under Section 25.07, Penal
26 Code; [~~or~~]

27 (E) a misdemeanor under Section 25.071, Penal

1 Code; or

2 (F) a misdemeanor under Section 38.112, Penal
3 Code; or

4 (2) subject to an initial finding by the trier of fact
5 of guilt of a felony under:

6 (A) Chapter 481 or 483, Health and Safety Code;

7 (B) Section 485.033, Health and Safety Code; or

8 (C) the Comprehensive Drug Abuse Prevention and
9 Control Act of 1970 (21 U.S.C. Section 801 et seq.).

10 SECTION 22. Section 301.4535(a), Occupations Code, is
11 amended to read as follows:

12 (a) The board shall suspend a nurse's license or refuse to
13 issue a license to an applicant on proof that the nurse or applicant
14 has been initially convicted of:

15 (1) murder under Section 19.02, Penal Code, capital
16 murder under Section 19.03, Penal Code, or manslaughter under
17 Section 19.04, Penal Code;

18 (2) kidnapping or unlawful restraint under Chapter 20,
19 Penal Code, and the offense was punished as a felony or state jail
20 felony;

21 (3) sexual assault under Section 22.011, Penal Code;

22 (4) aggravated sexual assault under Section 22.021,
23 Penal Code;

24 (5) continuous sexual abuse of young child or disabled
25 individual under Section 21.02, Penal Code, or indecency with a
26 child under Section 21.11, Penal Code;

27 (6) aggravated assault under Section 22.02, Penal

1 Code;

2 (7) intentionally, knowingly, or recklessly injuring
3 a child, elderly individual, or disabled individual under Section
4 22.04, Penal Code;

5 (8) intentionally, knowingly, or recklessly
6 abandoning or endangering a child under Section 22.041, Penal Code;

7 (9) aiding suicide under Section 22.08, Penal Code,
8 and the offense was punished as a state jail felony;

9 (10) an offense involving a violation of certain court
10 orders or conditions of bond under Section 25.07, 25.071, ~~or~~
11 25.072, or 38.112, Penal Code, punished as a felony;

12 (11) an agreement to abduct a child from custody under
13 Section 25.031, Penal Code;

14 (12) the sale or purchase of a child under Section
15 25.08, Penal Code;

16 (13) robbery under Section 29.02, Penal Code;

17 (14) aggravated robbery under Section 29.03, Penal
18 Code;

19 (15) an offense for which a defendant is required to
20 register as a sex offender under Chapter 62, Code of Criminal
21 Procedure; or

22 (16) an offense under the law of another state,
23 federal law, or the Uniform Code of Military Justice that contains
24 elements that are substantially similar to the elements of an
25 offense listed in this subsection.

26 SECTION 23. The heading to Section 25.07, Penal Code, is
27 amended to read as follows:

1 Sec. 25.07. VIOLATION OF CERTAIN COURT ORDERS [~~OR~~
2 ~~CONDITIONS OF BOND~~] IN [A] FAMILY VIOLENCE AND CERTAIN OTHER CASES
3 [~~, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT~~
4 ~~ASSAULT, STALKING, OR TRAFFICKING CASE~~].

5 SECTION 24. Sections 25.07(a) and (g), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if, in violation of [~~a~~
8 ~~condition of bond set in a family violence, sexual assault or abuse,~~
9 ~~indecent assault, stalking, or trafficking case and related to the~~
10 ~~safety of a victim or the safety of the community,~~] an order issued
11 under Subchapter A, Chapter 7B, Code of Criminal Procedure, an
12 order issued under Article 17.292, Code of Criminal Procedure, an
13 order issued under Section 6.504, Family Code, Chapter 83, Family
14 Code, if the temporary ex parte order has been served on the person,
15 Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code,
16 or an order issued by another jurisdiction as provided by Chapter
17 88, Family Code, the person knowingly or intentionally:

18 (1) commits family violence or an act in furtherance
19 of an offense under Section 20A.02, 22.011, 22.012, 22.021, or
20 42.072;

21 (2) communicates:

22 (A) directly with a protected individual or a
23 member of the family or household in a threatening or harassing
24 manner;

25 (B) a threat through any person to a protected
26 individual or a member of the family or household; or

27 (C) in any manner with the protected individual

1 or a member of the family or household except through the person's
2 attorney or a person appointed by the court, if the applicable
3 ~~[violation is of an order described by this subsection and the]~~
4 order prohibits any communication with a protected individual or a
5 member of the family or household;

6 (3) goes to or near any of the following places as
7 specifically described in the order ~~[or condition of bond]~~:

8 (A) the residence or place of employment or
9 business of a protected individual or a member of the family or
10 household; or

11 (B) any child care facility, residence, or school
12 where a child protected by the order ~~[or condition of bond]~~ normally
13 resides or attends;

14 (4) possesses a firearm;

15 (5) harms, threatens, or interferes with the care,
16 custody, or control of a pet, companion animal, or assistance
17 animal that is possessed by a person protected by the order ~~[or~~
18 ~~condition of bond]~~; or

19 (6) removes, attempts to remove, or otherwise tampers
20 with the normal functioning of a global positioning monitoring
21 system.

22 (g) An offense under this section is a Class A misdemeanor,
23 except the offense is:

24 (1) subject to Subdivision (2), a state jail felony if
25 it is shown at the trial of the offense that the defendant violated
26 an order issued under Subchapter A, Chapter 7B, Code of Criminal
27 Procedure, following the defendant's conviction of or placement on

1 deferred adjudication community supervision for an offense, if the
2 order was issued with respect to a victim of that offense; or

3 (2) a felony of the third degree if it is shown on the
4 trial of the offense that the defendant:

5 (A) has previously been convicted two or more
6 times of an offense under this section or two or more times of an
7 offense under Section 25.072, or has previously been convicted of
8 an offense under this section and an offense under Section 25.072;
9 or

10 (B) has violated the order [~~or condition of bond~~]
11 by committing an assault or the offense of stalking.

12 SECTION 25. The heading to Section 25.072, Penal Code, is
13 amended to read as follows:

14 Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS [~~OR~~
15 ~~CONDITIONS OF BOND~~] IN FAMILY VIOLENCE AND CERTAIN OTHER CASES [~~7~~
16 ~~CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT,~~
17 ~~STALKING, OR TRAFFICKING CASE~~].

18 SECTION 26. Section 25.072(d), Penal Code, is amended to
19 read as follows:

20 (d) A defendant may not be charged with more than one count
21 under Subsection (a) if all of the specific conduct that is alleged
22 to have been engaged in is alleged to have been committed in
23 violation of a single court order [~~or single setting of bond~~].

24 SECTION 27. Chapter 38, Penal Code, is amended by adding
25 Section 38.112 to read as follows:

26 Sec. 38.112. VIOLATION OF BOND CONDITION. (a) A person
27 commits an offense if the person knowingly violates a condition of

1 bond.

2 (b) Except as provided by Subsection (c), an offense under
3 this section is:

4 (1) if the person is released on bond for a misdemeanor
5 offense, a Class A misdemeanor; or

6 (2) if the person is released on bond for a felony
7 offense, a felony of the same category as the offense for which the
8 person is released on bond.

9 (c) If it is shown at the trial of the offense that the
10 person violated the condition of bond by possessing a firearm, an
11 offense under this section is:

12 (1) a state jail felony if the person is released on
13 bond for a misdemeanor offense; or

14 (2) a felony of the second degree if the person is
15 released on bond for a state jail felony or a felony of the third
16 degree.

17 SECTION 28. Sections 25.07(b)(4), (5), (7), and (8), Penal
18 Code, are repealed.

19 SECTION 29. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 30. This Act takes effect September 1, 2023.