

By: Kitzman

H.B. No. 4398

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of a personal bond or personal bond and pretrial supervision office.

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

SECTION 1. The heading to Article 17.42, Code of Criminal Procedure, is amended to read as follows:

Art. 17.42. PERSONAL BOND OR PERSONAL BOND AND PRETRIAL SUPERVISION OFFICE.

SECTION 2. Section 1, Article 17.42, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. Any county, or any judicial district with jurisdiction in more than one county, with the approval of the commissioners court of each county in the district, may establish a personal bond or personal bond and pretrial supervision office to gather and review information about an accused that may have a bearing on whether the accused [~~he~~] will comply with the conditions of a personal bond and report its findings to the court before which the case is pending.

SECTION 3. Sections 4(a) and (b), Article 17.42, Code of Criminal Procedure, are amended to read as follows:

(a) Except as otherwise provided by this subsection, if a court releases an accused on personal bond on the recommendation of a personal bond or personal bond and pretrial supervision office, the court shall assess a personal bond reimbursement fee of \$20 or

1 three percent of the amount of the bail fixed for the accused,  
2 whichever is greater. The court may waive the fee or assess a  
3 lesser fee if good cause is shown. A court that requires a  
4 defendant to give a personal bond under Article 45.016 may not  
5 assess a personal bond reimbursement fee under this subsection.

6 (b) Reimbursement fees collected under this article may be  
7 used solely to defray expenses of the personal bond or personal bond  
8 and pretrial supervision office, including defraying the expenses  
9 of extradition.

10 SECTION 4. Sections 5(a) and (c), Article 17.42, Code of  
11 Criminal Procedure, are amended to read as follows:

12 (a) A personal bond or personal bond and pretrial  
13 supervision [~~pretrial release~~] office established under this  
14 article shall:

15 (1) prepare a record containing information about any  
16 accused person identified by case number only who, after review by  
17 the office, is released by a court on personal bond before  
18 sentencing in a pending case;

19 (2) update the record on a monthly basis; and

20 (3) file a copy of the record with the district or  
21 county clerk, as applicable based on court jurisdiction over the  
22 categories of offenses addressed in the records, in any county  
23 served by the office.

24 (c) This section does not apply to a personal bond or  
25 personal bond and pretrial supervision [~~pretrial release~~] office  
26 that on January 1, 1995, was operated by a community corrections and  
27 supervision department.

1 SECTION 5. Sections 6(a) and (c), Article 17.42, Code of  
2 Criminal Procedure, are amended to read as follows:

3 (a) Not later than April 1 of each year, a personal bond or  
4 personal bond and pretrial supervision office established under  
5 this article shall submit to the commissioners court or district  
6 and county judges that established the office an annual report  
7 containing information about the operations of the office during  
8 the preceding year.

9 (c) This section does not apply to a personal bond or  
10 personal bond and pretrial supervision [~~pretrial release~~] office  
11 that on January 1, 1995, was operated by a community corrections and  
12 supervision department.

13 SECTION 6. Article 17.42, Code of Criminal Procedure, is  
14 amended by adding Sections 7 and 8 to read as follows:

15 Sec. 7. (a) The commissioners court of a county that  
16 establishes a personal bond and pretrial supervision office or the  
17 district and county judges of a judicial district that establishes  
18 a personal bond and pretrial supervision office may direct the  
19 office to provide the pretrial services a community supervision and  
20 corrections department may provide under Section 76.011,  
21 Government Code.

22 (b) Except as otherwise provided by this subsection,  
23 programs operated by the office under Subsection (a) may include  
24 reasonable conditions and monitoring related to the purpose of the  
25 programs, including testing for controlled substances and alcohol  
26 use. If this subsection conflicts with a more specific provision of  
27 another law, the other law prevails.

1       (c) This section does not apply to a personal bond and  
2 pretrial supervision office that on January 1, 1995, was operated  
3 by a community corrections and supervision department.

4       Sec. 8. (a) The commissioners court of a county that  
5 establishes a personal bond and pretrial supervision office or the  
6 district and county judges of a judicial district that establishes  
7 a personal bond and pretrial supervision office may, as part of the  
8 court's or the judges' duties related to pretrial services, direct  
9 the office to provide:

10           (1) indigent legal services monitoring, including:

11                   (A) assisting defendants in filing applications  
12 for indigent legal services;

13                   (B) reviewing applications and documentation to  
14 assist the court in determining eligibility for indigent legal  
15 services; and

16                   (C) coordinating with appointed attorneys to  
17 ensure sufficient legal services are provided;

18           (2) pretrial rehabilitative services, including:

19                   (A) determining what rehabilitative services are  
20 available to a defendant;

21                   (B) making recommendations to this state, to  
22 defense counsel, and to the court on rehabilitative services; and

23                   (C) monitoring the placement of defendants in  
24 rehabilitative services;

25           (3) coordination of mental health services,  
26 including:

27                   (A) recommending mental health testing;

1           (B) assisting defense counsel in meeting mental  
2 health testing requirements;

3           (C) monitoring compliance with mental health  
4 testing dates; and

5           (D) assisting magistrates with mental health  
6 orders and testing; and

7           (4) other services as are required to fulfill the  
8 goals of pretrial bond supervision.

9           (b) This section does not apply to a personal bond and  
10 pretrial supervision office that on January 1, 1995, was operated  
11 by a community corrections and supervision department.

12           SECTION 7. Subchapter F, Chapter 411, Government Code, is  
13 amended by adding Section 411.14105 to read as follows:

14           Sec. 411.14105. ACCESS TO CRIMINAL HISTORY RECORD  
15 INFORMATION: PERSONAL BOND OR PERSONAL BOND AND PRETRIAL  
16 SUPERVISION OFFICE. (a) In this section, "personal bond or  
17 personal bond and pretrial supervision office" means an office  
18 established under Article 17.42, Code of Criminal Procedure.

19           (b) The director of a personal bond or personal bond and  
20 pretrial supervision office, or an employee of the office  
21 authorized by the director, is entitled to obtain from the  
22 department criminal history record information maintained by the  
23 department that relates to a person who is being considered for  
24 personal bond or is receiving services from the office.

25           (c) A person who obtains criminal history record  
26 information under Subsection (b) may not release the information to  
27 any person except to a judge or magistrate making a bond

1 determination, if the criminal history is relevant to that  
2 determination.

3 (d) Notwithstanding Subsection (c), a person who obtains  
4 criminal history record information under Subsection (b) may  
5 disclose to the subject of the information, the attorney  
6 representing the state, or the subject's defense attorney:

7 (1) the date and place of any arrest in the subject's  
8 criminal history and the offense for which the subject was  
9 arrested; and

10 (2) the associated dispositions.

11 (e) The department may not charge a fee for providing  
12 criminal history record information under this section.

13 SECTION 8. This Act takes effect September 1, 2023.