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et al.

H.B. No. 36

Substitute the following for H.B. No. 36:

By: Bowers

C.S.H.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to the monitoring of certain family violence offenders,
the provision of resources for family violence victims, and the
collection of information about conditions of bond imposed in
family violence cases and certain other criminal cases.

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

SECTION 1. This Act shall be known as the Sharon Radebaugh
Family Violence Protection Act.

SECTION 2. (a) The legislature finds that:

(1) family violence remains a critical issue affecting
the safety and well-being of Texas residents; and

(2) one in four women and one in seven men in this
country will experience family violence.

(b) The purpose of this Act is to:

(1) strengthen monitoring of family violence
offenders;

(2) implement monitoring through a global positioning
monitoring system for high-risk offenders;

(3) enhance victim safety; and

(4) prevent further acts of family violence.

SECTION 3. Article [17.292\(c-1\)](#), Code of Criminal Procedure,
is amended to read as follows:

(c-1) In addition to the conditions described by Subsection
(c), the magistrate in the order for emergency protection may

1 impose a condition described by Article 17.49(b) in the manner
2 provided by that article, including ordering a defendant's
3 participation in a global positioning monitoring system or allowing
4 participation in the system by an alleged victim or other person
5 protected under the order. If applicable, the magistrate shall
6 impose the condition described by Article 17.49(b-1).

7 SECTION 4. Article 17.49(a)(2), Code of Criminal Procedure,
8 is amended to read as follows:

9 (2) "Global positioning monitoring system" means a
10 system that electronically determines and reports the location of
11 an individual through the use of a transmitter or similar device
12 ~~[carried or]~~ worn by the individual that transmits latitude and
13 longitude data to a monitoring entity through global positioning
14 satellite technology. The term does not include a system that
15 contains or operates global positioning system technology, radio
16 frequency identification technology, or any other similar
17 technology that is implanted in or otherwise invades or violates
18 the individual's body.

19 SECTION 5. Article 17.49, Code of Criminal Procedure, is
20 amended by amending Subsections (b), (d), (f), (h), (j), and (k) and
21 adding Subsections (b-1), (m), and (n) to read as follows:

22 (b) Except as provided by Subsection (b-1), a [A] magistrate
23 may require as a condition of release on bond that a defendant
24 charged with an offense involving family violence:

25 (1) refrain from going to or near a residence, school,
26 place of employment, or other location, as specifically described
27 in the bond, frequented by an alleged victim of the offense;

1 (2) [~~carry or~~] wear a global positioning monitoring
2 system device and, except as provided by Subsection (h), pay a
3 reimbursement fee for the costs associated with operating that
4 system in relation to the defendant;

5 (3) except as provided by Subsection (h), if the
6 alleged victim of the offense consents after receiving the
7 information described by Subsection (d), pay a reimbursement fee
8 for the costs associated with providing the victim with an
9 electronic receptor device or with notification software installed
10 on the victim's personal electronic device that:

11 (A) is capable of receiving the global
12 positioning monitoring system information from the device [~~carried~~
13 ~~or~~] worn by the defendant; and

14 (B) contemporaneously notifies the victim if the
15 defendant is at or near a location that the defendant has been
16 ordered to refrain from going to or near under Subdivision (1); or

17 (4) refrain from tracking or monitoring personal
18 property or a motor vehicle in the possession of the alleged victim
19 of the offense, without the victim's effective consent, including
20 by:

21 (A) using a tracking application on a personal
22 electronic device in the possession of the victim or using a
23 tracking device; or

24 (B) physically following the victim or causing
25 another to physically follow the victim.

26 **(b-1) A magistrate shall require as a condition of release**
27 **on bond that a defendant wear a global positioning monitoring**

1 system device as provided by Subsection (b)(2) if the defendant
2 poses a continuing threat to the victim. A defendant is considered
3 to pose a continuing threat to the victim if the defendant:

4 (1) has a history of:

5 (A) conduct violating a provision of Title 5,
6 Penal Code;

7 (B) violating a previous protective order issued
8 to protect any person; or

9 (C) making threats to or against the victim; or

10 (2) has been convicted of an offense involving the use
11 or threatened use of a firearm.

12 (d) Before imposing a condition described by Subsection
13 (b)(3), a magistrate must provide to an alleged victim information
14 regarding:

15 (1) the victim's right to participate in a global
16 positioning monitoring system or to refuse to participate in that
17 system and the procedure for requesting that the magistrate
18 terminate the victim's participation;

19 (2) the manner in which the global positioning
20 monitoring system technology functions and the risks and
21 limitations of that technology, and the extent to which the system
22 will contemporaneously track and record the victim's location and
23 movements;

24 (3) any locations that the defendant is ordered to
25 refrain from going to or near and the minimum distances, if any,
26 that the defendant must maintain from those locations;

27 (4) any sanctions that the court may impose on the

defendant for violating a condition of bond imposed under this article and any criminal penalties for the violation;

(5) the procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment or the victim's electronic receptor device or notification software fails;

(6) community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of family violence; and

(7) the fact that the victim's communications with the court concerning the global positioning monitoring system and any restrictions to be imposed on the defendant's movements are not confidential.

(f) In determining whether to order a defendant's participation in a global positioning monitoring system under Subsection (b) [~~this article~~], the magistrate shall consider the likelihood that the defendant's participation will deter the defendant from seeking to kill, physically injure, stalk, or otherwise threaten the alleged victim before trial.

(h) If the magistrate determines that a defendant is indigent, the magistrate may, based on a sliding scale established by local rule, require the defendant to pay a reimbursement fee under Subsection (b)(2) or (3) in an amount that is less than the full amount of the costs associated with:

(1) operating the global positioning monitoring

1 system in relation to the defendant; or

2 (2) providing the victim with an electronic receptor
3 device or with notification software installed on the victim's
4 personal electronic device, as applicable.

5 (j) A magistrate who ~~[that]~~ imposes a condition requiring
6 the wearing of a global positioning monitoring system device
7 ~~[described by Subsection (b)(1) or (2)]~~ shall order the entity that
8 operates the global positioning monitoring system to notify the
9 court, the Department of Public Safety, the victim, and the
10 appropriate local law enforcement agency if a defendant violates a
11 condition of bond imposed under this article. The entity must be
12 capable of providing an immediate, automatic electronic
13 notification, by text message or otherwise, on the defendant's
14 violation of a condition of bond. If the defendant violates the
15 condition of bond by entering a prohibited location, the
16 notification must state with specificity the location of the
17 defendant.

18 (k) A magistrate who ~~[that]~~ imposes a condition described by
19 Subsection (b) or (b-1) may only allow or require the defendant to
20 execute or be released under a type of bond that is authorized by
21 this chapter.

22 (m) As soon as possible but not later than the next business
23 day after the date the magistrate issues an order imposing a
24 condition of bond involving a global positioning monitoring system,
25 the magistrate shall send a copy of the order to:

26 (1) the appropriate attorney representing the state
27 and either:

1 (A) the chief of police in the municipality where
2 the victim of the offense resides, if the victim resides in a
3 municipality; or

4 (B) the sheriff of the county where the victim
5 resides, if the victim does not reside in a municipality; and

6 (2) the victim at the victim's last known address.

7 (n) On receipt of the order under Subsection (m), the local
8 law enforcement agency shall immediately, but not later than the
9 third business day after the date the order is received, enter the
10 information required by Section 411.042(b)(7), Government Code,
11 into the statewide law enforcement information system maintained by
12 the Department of Public Safety.

13 SECTION 6. Section 85.022, Family Code, is amended by
14 adding Subsections (b-1), (f), (g), (h), (i), and (j) and amending
15 Subsection (e) to read as follows:

16 (b-1) For purposes of Subsection (b)(6), "firearm" has the
17 meaning assigned by Section 46.01, Penal Code.

18 (e) The court shall require as a condition of the protective
19 order that the respondent wear a device to allow monitoring by a
20 global positioning monitoring system, as defined by Article 17.49,
21 Code of Criminal Procedure, and, except as provided by Subsection
22 (h), pay a reimbursement fee for the costs associated with
23 operating that system in relation to the respondent if the
24 respondent poses a continuing threat to a person protected by the
25 order. A respondent is considered to pose a continuing threat to a
26 person protected by the order if:

27 (1) the respondent has a history of:

1 (A) conduct violating a provision of Title 5,
2 Penal Code;

3 (B) violating a previous protective order issued
4 to protect any person; or

5 (C) making threats to or against a person
6 protected by the order;

7 (2) the respondent has been convicted of an offense
8 involving the use or threatened use of a firearm; or

9 (3) in the five-year period preceding the date of the
10 order, the respondent was convicted of an offense for which an
11 affirmative finding was made under Article 42.013, Code of Criminal
12 Procedure [In this section, "firearm" has the meaning assigned by
13 Section 46.01, Penal Code].

14 (f) Except as provided by Subsection (h), and if the person
15 protected by the order consents after receiving the information
16 described by Subsection (g), the court may order the respondent to
17 pay a reimbursement fee for the costs associated with providing the
18 person protected by the order with an electronic receptor device or
19 with notification software installed on the person's personal
20 electronic device that:

21 (1) is capable of receiving the global positioning
22 monitoring system information from the device worn by the
23 respondent; and

24 (2) contemporaneously notifies the person if the
25 respondent is at or near a location that the respondent has been
26 ordered to refrain from going to or near under Subsection (b)(3) or
27 (4).

1 (g) Before imposing a condition described by Subsection
2 (f), the court must provide to the person protected by the order
3 information regarding:

4 (1) the person's right to participate in a global
5 positioning monitoring system or to refuse to participate in that
6 system and the procedure for requesting that the court terminate
7 the person's participation;

8 (2) the manner in which the global positioning
9 monitoring system technology functions, and the risks and
10 limitations of that technology, and the extent to which the system
11 will contemporaneously track and record the person's location and
12 movements;

13 (3) any locations that the respondent is ordered to
14 refrain from going to or near and the minimum distances, if any,
15 that the respondent must maintain from those locations;

16 (4) any sanctions that the court may impose on the
17 respondent for violating a protective order issued under this
18 section and any criminal penalties for the violation;

19 (5) the procedure that the person protected by the
20 order is to follow, and support services available to assist the
21 person, if the respondent violates a condition of bond or if the
22 global positioning monitoring system equipment or the person's
23 electronic receptor device or notification software fails;

24 (6) community services available to assist the person
25 in obtaining shelter, counseling, education, child care, legal
26 representation, and other assistance available to address the
27 consequences of family violence; and

1 (7) the fact that the person's communications with the
2 court concerning the global positioning monitoring system and any
3 restrictions to be imposed on the respondent's movements are not
4 confidential.

5 (h) If the court finds that the respondent is indigent, the
6 court may, based on a sliding scale established by local rule,
7 require the respondent to pay a reimbursement fee in an amount that
8 is less than the full amount of the costs associated with:

9 (1) operating the global positioning monitoring
10 system in relation to the respondent; or

11 (2) providing the person protected by the order with
12 an electronic receptor device or with notification software
13 installed on the person's personal electronic device, as
14 applicable.

15 (i) If an indigent respondent pays to an entity that
16 operates a global positioning monitoring system the partial amount
17 ordered by the court under Subsection (h), the entity shall accept
18 the partial amount as payment in full. The county in which the
19 court that enters an order under Subsection (h) is located is not
20 responsible for payment of any costs associated with operating the
21 global positioning monitoring system in relation to an indigent
22 respondent.

23 (j) A court that imposes a condition requiring the wearing
24 of a global positioning monitoring system device shall order the
25 entity that operates the global positioning monitoring system to
26 notify the court, the Department of Public Safety, the victim, and
27 the appropriate local law enforcement agency if a respondent

violates a condition of a protective order issued under this section. The entity must be capable of providing an immediate, automatic electronic notification, by text message or otherwise, on the respondent's violation of a condition of the protective order. If the respondent violates the protective order by entering a prohibited location, the notification must state with specificity the location of the respondent.

SECTION 7. Subtitle C, Title 4, Family Code, is amended by adding Chapter 94 to read as follows:

CHAPTER 94. VICTIM SERVICES

Sec. 94.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "Family violence" has the meaning assigned by Section 71.004.

(3) "Family violence center" has the meaning assigned by Section 51.002, Human Resources Code.

(4) "Victim of family violence" has the meaning assigned by Section 51.002, Human Resources Code.

Sec. 94.002. VICTIM ASSISTANCE PROGRAM. (a) The department, in consultation or in conjunction with other appropriate state agencies, shall administer a victim assistance program to:

(1) provide resources to victims of family violence to assist in accessing necessary services; and

(2) facilitate direct communications among victims of family violence, victim service providers, family violence

1 centers, and law enforcement.

2 (b) The department shall create and administer a searchable
3 database of assistance programs for victims of family violence that
4 may be used to connect victims with necessary services.

5 SECTION 8. Section 411.042, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (k) to read as
7 follows:

8 (b) The bureau of identification and records shall:

9 (1) procure and file for record photographs, pictures,
10 descriptions, fingerprints, measurements, and other pertinent
11 information of all persons arrested for or charged with a criminal
12 offense or convicted of a criminal offense, regardless of whether
13 the conviction is probated;

14 (2) collect information concerning the number and
15 nature of offenses reported or known to have been committed in the
16 state and the legal steps taken in connection with the offenses, and
17 other information useful in the study of crime and the
18 administration of justice, including information that enables the
19 bureau to create a statistical breakdown of:

20 (A) offenses in which family violence was
21 involved;

22 (B) offenses under Sections 22.011 and 22.021,
23 Penal Code; and

24 (C) offenses under Sections 20A.02, 43.02,
25 43.021, 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

26 (3) make ballistic tests of bullets and firearms and
27 chemical analyses of bloodstains, cloth, materials, and other

1 substances for law enforcement officers of the state;

2 (4) cooperate with identification and crime records
3 bureaus in other states and the United States Department of
4 Justice;

5 (5) maintain a list of all previous background checks
6 for applicants for any position regulated under Chapter 1702,
7 Occupations Code, who have undergone a criminal history background
8 check as required by that chapter, if the check indicates a Class B
9 misdemeanor or equivalent offense or a greater offense;

10 (6) collect information concerning the number and
11 nature of protective orders and magistrate's orders for ~~of~~
12 emergency protection and all other pertinent information about all
13 persons subject to active orders, including, for each ~~[pertinent~~
14 ~~information about persons subject to conditions of bond imposed for~~
15 ~~the protection of the victim in any family violence, sexual assault~~
16 ~~or abuse, indecent assault, stalking, or trafficking case.~~
17 ~~Information in the law enforcement information system relating to~~
18 ~~an]~~ active order ~~[shall include]~~:

19 (A) the name, sex, race, date of birth, personal
20 descriptors, address, and county of residence of the person to whom
21 the order is directed;

22 (B) any known identifying number of the person to
23 whom the order is directed, including the person's social security
24 number or driver's license number;

25 (C) the name and county of residence of the
26 person protected by the order;

27 (D) the residence address and place of employment

1 or business of the person protected by the order;

2 (E) the child-care facility or school where a
3 child protected by the order normally resides or which the child
4 normally attends;

5 (F) the relationship or former relationship
6 between the person who is protected by the order and the person to
7 whom the order is directed;

8 (G) the conditions of bond imposed on the person
9 to whom the order is directed, if any, for the protection of a
10 victim in any family violence, sexual assault or abuse, indecent
11 assault, stalking, or trafficking case;

12 (H) any minimum distance the person subject to
13 the order is required to maintain from the protected places or
14 persons;

15 (I) whether a global positioning monitoring
16 system device is required for the person to whom the order is
17 directed and, if applicable, the method by which the person
18 protected by the order receives contemporaneous notifications of
19 any violations; and

20 (J) [~~(I)~~] the date the order expires;

21 (7) collect information about defendants subject to
22 active conditions of bond imposed for the protection of the victim
23 in any family violence, sexual assault or abuse, indecent assault,
24 stalking, or trafficking case, including, for each defendant:

25 (A) the name, sex, race, date of birth, personal
26 descriptors, address, and county of residence of the defendant;

27 (B) any known identifying number of the

1 defendant, including the defendant's social security number or
2 driver's license number;

3 (C) the name and county of residence of the
4 victim of the offense;

5 (D) any locations that the defendant must refrain
6 from going to or near under the conditions of bond;

7 (E) whether a global positioning monitoring
8 system device is required for the defendant and, if applicable, the
9 method by which the victim receives contemporaneous notifications
10 of any violations; and

11 (F) any other conditions of bond imposed;

12 (8) grant access to criminal history record
13 information in the manner authorized under Subchapter F;

14 (9) [~~(8)~~] collect and disseminate information
15 regarding offenders with mental impairments in compliance with
16 Chapter 614, Health and Safety Code; and

17 (10) [~~(9)~~] record data and maintain a state database
18 for a computerized criminal history record system and computerized
19 juvenile justice information system that serves:

20 (A) as the record creation point for criminal
21 history record information and juvenile justice information
22 maintained by the state; and

23 (B) as the control terminal for the entry of
24 records, in accordance with federal law and regulations, federal
25 executive orders, and federal policy, into the federal database
26 maintained by the Federal Bureau of Investigation.

27 (k) Based on data collected under Subsections (b)(6) and

1 (7), the department shall submit an annual report to the
2 legislature on the effectiveness of using a global positioning
3 monitoring system to reduce repeat offenses.

4 SECTION 9. Section 411.0845(i), Government Code, is amended
5 to read as follows:

6 (i) The release under this section of any criminal history
7 record information maintained by the Federal Bureau of
8 Investigation, including the computerized information submitted to
9 the federal database maintained by the Federal Bureau of
10 Investigation as described by Section 411.042(b)(10)(B)
11 [~~411.042(b)(9)(B)~~], is subject to federal law and regulations,
12 federal executive orders, and federal policy.

13 SECTION 10. Section 772.0077(b), Government Code, is
14 amended to read as follows:

15 (b) The criminal justice division shall establish and
16 administer a grant program to reimburse counties for all or part of
17 the costs incurred by counties as a result of monitoring in cases
18 involving family violence defendants and victims who participate in
19 a global positioning monitoring system under Article 17.292 or
20 17.49, Code of Criminal Procedure, or persons who participate in a
21 global positioning monitoring system as a condition of a protective
22 order issued under Title 4, Family Code. A grant recipient may use
23 funds from a grant awarded under the program only for monitoring
24 conducted for the purpose of restoring a measure of security and
25 safety for a victim of family violence.

26 SECTION 11. Section 38.112(a), Penal Code, is amended to
27 read as follows:

1 (a) A person who is required to submit to electronic
2 monitoring of the person's location as a condition of a magistrate's
3 order for emergency protection under Article 17.292, Code of
4 Criminal Procedure, or a protective order under Section 85.022,
5 Family Code, as part of an electronic monitoring program under
6 Article 42.035, Code of Criminal Procedure, or as a condition of
7 community supervision, parole, mandatory supervision, or release
8 on bail commits an offense if the person knowingly removes or
9 disables, or causes or conspires or cooperates with another person
10 to remove or disable, a tracking device that the person is required
11 to wear to enable the electronic monitoring of the person's
12 location.

13 SECTION 12. The changes in law made by this Act to Articles
14 17.292 and 17.49, Code of Criminal Procedure, apply only to a person
15 who is arrested on or after the effective date of this Act. A person
16 arrested before the effective date of this Act is governed by the
17 law in effect on the date the person was arrested, and the former
18 law is continued in effect for that purpose.

19 SECTION 13. The changes in law made by this Act to Section
20 85.022, Family Code, and Section 772.0077(b), Government Code,
21 apply only to costs incurred by counties as a result of monitoring
22 that occurs on or after the effective date of this Act. Costs
23 incurred by counties as a result of monitoring that occurs before
24 the effective date of this Act are governed by the law in effect on
25 the date the costs were incurred, and the former law is continued in
26 effect for that purpose.

27 SECTION 14. The Department of Public Safety of the State of

1 Texas is not required to submit the initial report described by
2 Section 411.042(k), Government Code, as added by this Act, before
3 December 1, 2026.

4 SECTION 15. The change in law made by this Act to Section
5 38.112, Penal Code, applies only to an offense committed on or after
6 the effective date of this Act. An offense committed before the
7 effective date of this Act is governed by the law in effect on the
8 date the offense was committed, and the former law is continued in
9 effect for that purpose. For purposes of this section, an offense
10 was committed before the effective date of this Act if any element
11 of the offense occurred before that date.

12 SECTION 16. This Act takes effect September 1, 2025.