

By: Huffman, et al.
(Smithee, et al.)

S.B. No. 9

Substitute the following for S.B. No. 9:

By: Smithee

C.S.S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to the confinement or release of defendants before trial or sentencing, including regulating charitable bail organizations, and the conditions of and procedures for setting bail and reviewing bail decisions.

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

SECTION 1. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.24 to read as follows:

Art. 16.24. REPORTING OF CONDITIONS OF PRETRIAL INTERVENTION PROGRAM. As soon as practicable but not later than the 10th business day after the date a defendant enters a pretrial intervention program, the attorney representing the state, or the attorney's designee who is responsible for monitoring the defendant's compliance with the conditions of the program, shall enter information relating to the conditions of the program into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety or modify or remove information, as appropriate.

SECTION 2. Article 17.021, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (c-1), (h), (h-1), and (i) to read as follows:

(b) The public safety report system must:

(1) state the requirements for setting bail under Article 17.15 and list each factor provided by Article 17.15(a);

1 (2) provide the defendant's name and date of birth or,
2 if impracticable, other identifying information, the cause number
3 of the case, if available, and the offense for which the defendant
4 was arrested;

5 (3) provide information on the eligibility of the
6 defendant for a personal bond;

7 (4) provide information regarding the applicability
8 of any required or discretionary bond conditions;

9 (5) provide, in summary form, the criminal history of
10 the defendant, including information regarding ~~any~~:

11 (A) previous misdemeanor or felony convictions;

12 (B) pending charges;

13 (C) any previous sentences imposing a term of
14 confinement;

15 (D) any previous convictions or pending charges
16 for:

17 (i) offenses that are offenses involving
18 violence as defined by Article 17.03; or

19 (ii) offenses involving violence directed
20 against a peace officer; ~~and~~

21 (E) previous failures of the defendant to appear
22 in court following release on bail;

23 (F) whether the defendant is currently on
24 community supervision, parole, or mandatory supervision for an
25 offense;

26 (G) whether the defendant is currently released
27 on bail or participating in a pretrial intervention program and any

1 conditions of that release or participation;

2 (H) outstanding warrants for the defendant's
3 arrest that have been entered into the National Crime Information
4 Center database or the Texas Crime Information System established
5 under Section 411.0541, Government Code, including a warrant issued
6 under Article 42A.751 of this code or Section 508.251, Government
7 Code; and

8 (I) any current protective orders, as defined by
9 Section 72.151, Government Code, for which the defendant is the
10 subject; and

11 (6) be designed to collect and maintain the
12 information provided on a bail form submitted under Section 72.038,
13 Government Code.

14 (c-1) On request by an attorney representing the state, the
15 office shall provide to the attorney access to the public safety
16 report system for the purpose of allowing the attorney to access a
17 bail form submitted to the office under Section 72.038, Government
18 Code.

19 (h) The public safety report system must be configured to
20 allow a county or municipality to integrate with the public safety
21 report system the jail records management system and case
22 management systems used by the county.

23 (h-1) The office may provide grants to reimburse counties
24 and municipalities for costs related to integrating the systems
25 described by Subsection (h). The office is not required to provide
26 a grant under this subsection unless the office is appropriated
27 money for that purpose. This subsection expires August 31, 2027.

1 (i) The office may modify the public safety report system to
2 incorporate technological advances to the system's features
3 regarding notices and to any other processes the office determines
4 will enhance the system's availability to protect the public.

5 SECTION 3. Article 17.022, Code of Criminal Procedure, is
6 amended by adding Subsection (g) to read as follows:

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

11 SECTION 4. Chapter 17, Code of Criminal Procedure, is
12 amended by adding Article 17.0221 to read as follows:

13 Art. 17.0221. For purposes of determining whether clear and
14 convincing evidence exists as described by Section 11d, Article I,
15 Texas Constitution, the term "clear and convincing evidence" means
16 the measure or degree of proof that will produce in the mind of the
17 trier of fact a firm belief or conviction as to the truth of the
18 allegations sought to be established.

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

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

23 SECTION 6. Article 17.027, Code of Criminal Procedure, is
24 amended by amending Subsection (a) and adding Subsections (a-1),
25 (a-2), (a-3), (c), and (d) to read as follows:

26 (a) Notwithstanding any other law:

27 (1) if a defendant is taken before a magistrate for

1 ~~[charged with]~~ committing an offense punishable as a felony while
2 released on bail ~~[in a pending case]~~ for another offense punishable
3 as a felony and the subsequent offense was committed in the same
4 county as the previous offense, the defendant may be released on
5 bail only by:

6 (A) the court before whom the case for the
7 previous offense is pending; or

8 (B) another court designated in writing by the
9 court described by Paragraph (A); and

10 (2) if a defendant is taken before a magistrate for
11 ~~[charged with]~~ committing an offense punishable as a felony while
12 released on bail for another ~~[pending]~~ offense punishable as a
13 felony and the subsequent offense was committed in a different
14 county than the previous offense, electronic notice of the charge
15 must be ~~[promptly]~~ given to the individual designated to receive
16 electronic notices for the county in which the previous offense was
17 committed, not later than the next business day after the date the
18 defendant is taken before the magistrate, for purposes of the court
19 specified by Subdivision (1) ~~[for purposes of reevaluating the bail~~
20 ~~decision]~~ determining whether any bail conditions were
21 violated~~[7]~~ or taking any other applicable action such as an action
22 described by Subsection (a-1).

23 (a-1) If a defendant is taken before a magistrate for
24 committing an offense punishable as a felony while released on bail
25 for another offense punishable as a felony, the court before which
26 the case for the previous offense is pending shall consider whether
27 to revoke or modify the terms of the previous bond or to otherwise

1 reevaluate the previous bail decision.

2 (a-2) A magistrate appointed under Chapter 54, Government
3 Code, in a county with a population of 200,000 or more may not
4 release on bail a defendant who:

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

7 (A) was released on bail, parole, or community
8 supervision for an offense punishable as a felony at the time of the
9 instant offense;

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

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

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

17 (A) Section 19.02 (murder);

18 (B) Section 19.03 (capital murder);

19 (C) Section 20.04 (aggravated kidnapping); or

20 (D) Section 22.021 (aggravated sexual assault).

21 (a-3) An order granting bail signed by a magistrate
22 appointed under Chapter 54, Government Code, must include the names
23 of each individual who appointed the magistrate and state that the
24 magistrate was appointed by those individuals.

25 (c) The local administrative district judge for each county
26 shall designate an individual to receive electronic notices under
27 Subsection (a)(2). The county shall ensure that the name and

1 contact information of the individual designated to receive notices
2 under this subsection are included in the public safety report
3 system developed under Article 17.021.

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

12 SECTION 7. Chapter 17, Code of Criminal Procedure, is
13 amended by adding Article 17.029 to read as follows:

14 Art. 17.029. REVIEW OF BAIL DECISION. (a) This article
15 applies only to a bail decision:

16 (1) regarding a defendant charged with or arrested for
17 an offense punishable as a felony; and

18 (2) that was made under Article 17.028 by the
19 magistrate of a court that does not have jurisdiction to try the
20 offense with which the defendant is charged.

21 (b) Notwithstanding any other law, a district judge in any
22 county in which the offense for which the person was arrested will
23 be tried or in any county in which the charge for that offense will
24 be filed has jurisdiction to modify a bail decision to which this
25 article applies, regardless of whether the defendant has been
26 previously indicted or an information has been previously filed for
27 the offense for which the defendant was arrested.

1 (c) The local administrative judge for each county shall
2 establish a procedure for the district clerk to notify each
3 district judge in the county that the district clerk received a
4 request to review a bail decision under this article.

5 (d) A district judge must review a bail decision as soon as
6 practicable but not later than the next business day after the date
7 a request to review the bail decision is filed with the district
8 clerk by an attorney representing the state.

9 (e) A district judge reviewing a bail decision under this
10 article shall comply with Article 17.09 and shall consider the
11 facts presented and the rules established by Article 17.15(a) in
12 setting the defendant's bail.

13 (f) If a district judge modifies a bail decision under this
14 article to increase the amount of bail or to require additional
15 conditions of bail for a defendant who is not in custody, the judge
16 shall:

17 (1) issue a summons for the defendant to appear before
18 the judge; and

19 (2) give the defendant a reasonable opportunity to
20 appear before issuing a warrant for the defendant's arrest.

21 SECTION 8. Articles 17.03(a) and (b-2), Code of Criminal
22 Procedure, are amended to read as follows:

23 (a) Except as otherwise provided by this chapter
24 ~~[Subsection (b) or (b-1)]~~, a magistrate may, in the magistrate's
25 discretion, release the defendant on personal bond without sureties
26 or other security.

27 (b-2) Except as provided by Articles 15.21, 17.032, 17.033,

and 17.151, a defendant may not be released on personal bond if the defendant:

(1) is charged with:

(A) an offense involving violence; or

(B) an offense under:

(i) Section 19.02(b)(4), Penal Code (murder as a result of manufacture or delivery of a controlled substance in Penalty Group 1-B);

(ii) Section 22.07, Penal Code (terroristic threat), if the offense is punishable as a Class A misdemeanor or any higher category of offense;

(iii) Section 25.07, Penal Code (violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case); or

(iv) Section 46.04(a), Penal Code (unlawful possession of firearm); or

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

(A) any offense punishable as a felony; or

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

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

(ii) Section 22.05 (deadly conduct); or

(iii) ~~[Section 22.07 (terroristic threat),~~

~~or~~

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

3 SECTION 9. Articles 17.071(a), (f), (h), and (k), Code of
4 Criminal Procedure, are amended to read as follows:

5 (a) In this article:

6 (1) "Charitable" ~~["charitable"]~~ bail organization"
7 means a person who accepts and uses donations from the public to
8 deposit money with a court in the amount of a defendant's bail bond.
9 The term does not include:

10 (A) ~~[(1)]~~ a person accepting donations with
11 respect to a defendant who is a member of the person's family, as
12 determined under Section 71.003, Family Code; or

13 (B) ~~[(2)]~~ a nonprofit corporation organized for
14 a religious purpose.

15 (2) "Office" means the Office of Court Administration
16 of the Texas Judicial System.

17 (f) Not later than the 10th day of each month, a charitable
18 bail organization shall submit to the office and ~~to~~ to the sheriff
19 of each county in which the organization files an affidavit under
20 Subsection (e), a report that includes the following information
21 for each defendant for whom the organization paid a bail bond in the
22 preceding calendar month:

- 23 (1) the name of the defendant;
24 (2) the cause number of the case;
25 (3) each charge for which the bond was paid;
26 (4) the category of offense for each charge for which
27 the bond was paid;

1 (5) the amount of the bond paid;

2 (6) the county in which the applicable charge is
3 pending, if different from the county in which the bond was paid;

4 (7) [and

5 ~~[-(4)]~~ any dates on which the defendant has failed to
6 appear in court as required for the charge for which the bond was
7 paid; and

8 (8) whether a bond forfeiture has occurred in
9 connection with the charge for which the bond was paid.

10 (h) If the office has reason to believe that a charitable
11 bail organization may have paid one or more bonds in violation of
12 this article, the office shall report that information to the
13 sheriff of the county in which the suspected violation occurred.

14 The sheriff of that ~~[a]~~ county may suspend a charitable bail
15 organization from paying bail bonds in the county for a period not
16 to exceed one year if the sheriff determines the organization has
17 paid one or more bonds in violation of this article and the
18 organization has received a warning from the sheriff in the
19 preceding 12-month period for another payment of bond made in
20 violation of this article. The sheriff shall report the suspension
21 to the office ~~[Office of Court Administration of the Texas Judicial~~
22 ~~System]~~.

23 (k) Not later than December 1 of each year, the office
24 ~~[Office of Court Administration of the Texas Judicial System]~~ shall
25 prepare and submit, to the governor, lieutenant governor, speaker
26 of the house of representatives, and presiding officers of the
27 standing committees of each house of the legislature with primary

jurisdiction over the judiciary, a report regarding the information submitted to the office under Subsections (f) [~~(f-1)~~] and (h) for the preceding state fiscal year.

SECTION 10. Section 3, Article 17.09, Code of Criminal Procedure, is amended to read as follows:

Sec. 3. Provided that whenever, during the course of the action, and regardless of whether the defendant has been previously released under Article 17.151, the judge or magistrate in whose court such action is pending finds that the bond is defective, excessive or insufficient in amount, or that the sureties, if any, are not acceptable, or for any other good and sufficient cause, such judge or magistrate may, either in term-time or in vacation, order the accused to be rearrested, and require the accused to give another bond in such amount as the judge or magistrate may deem proper. When such bond is so given and approved, the defendant shall be released from custody.

SECTION 11. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.092 to read as follows:

Art. 17.092. REDUCTION IN AMOUNT OR CONDITIONS OF BOND PROHIBITED IN CERTAIN CIRCUMSTANCES. A magistrate described by Articles 2A.151(5)-(14) may not reduce the amount or conditions of bond set by the judge of a district court, including the judge of a district court in another county.

SECTION 12. Article 17.21, Code of Criminal Procedure, is amended to read as follows:

Art. 17.21. BAIL IN FELONY. (a) In cases of felony, when the accused is in custody of the sheriff or other officer, and the

1 court before which the prosecution is pending is in session in the
 2 county where the accused is in custody, the court shall fix the
 3 amount of bail, if it is aailable case and determine if the
 4 accused is eligible for a personal bond; and the sheriff or other
 5 peace officer, unless it be the police of a city, or a jailer
 6 licensed under Chapter 1701, Occupations Code, is authorized to
 7 take a bail bond of the accused in the amount as fixed by the court,
 8 to be approved by such officer taking the same, and will thereupon
 9 discharge the accused from custody. The defendant and the
 10 defendant's sureties are not required to appear in court.

11 (b) Notwithstanding Subsection (a), before releasing on
 12 bail a defendant charged with an offense punishable as a felony, a
 13 magistrate shall ensure that:

14 (1) the defendant has appeared before the magistrate;
 15 and

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

18 SECTION 13. Chapter 27, Code of Criminal Procedure, is
 19 amended by adding Article 27.20 to read as follows:

20 Art. 27.20. CONFINEMENT BEFORE SENTENCING ON PLEA OF GUILTY
 21 FOR CERTAIN OFFENSES. If a defendant enters a plea of guilty for an
 22 offense listed in Article 42A.054(a) punishable as a felony of the
 23 second degree or any higher category of offense, the court shall
 24 order that the defendant be taken into custody and confined until
 25 the defendant is sentenced.

26 SECTION 14. Article 42.01, Code of Criminal Procedure, is
 27 amended by adding Section 17 to read as follows:

1 Sec. 17. In addition to the information described by
2 Section 1, the judgment must reflect affirmative findings entered
3 pursuant to Article 42.0195.

4 SECTION 15. Chapter 42, Code of Criminal Procedure, is
5 amended by adding Article 42.0195 to read as follows:

6 Art. 42.0195. FINDING REGARDING FAILURE TO APPEAR. In the
7 disposition of a criminal case involving any offense punishable as
8 a Class B misdemeanor or any higher category of offense, the judge
9 shall make an affirmative finding of fact and enter the affirmative
10 finding in the judgment or dismissal order in the case if the judge
11 determines that the defendant wilfully failed to appear after the
12 defendant was released from custody for the offense. The
13 affirmative finding must include the number of times the defendant
14 failed to appear for the offense.

15 SECTION 16. Article 44.01, Code of Criminal Procedure, is
16 amended by amending Subsections (a) and (g) and adding Subsections
17 (f-1) and (f-2) to read as follows:

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

20 (1) dismisses an indictment, information, or
21 complaint or any portion of an indictment, information, or
22 complaint;

23 (2) arrests or modifies a judgment;

24 (3) grants a new trial;

25 (4) sustains a claim of former jeopardy;

26 (5) grants a motion to suppress evidence, a
27 confession, or an admission, if jeopardy has not attached in the

case and if the prosecuting attorney certifies to the trial court that the appeal is not taken for the purpose of delay and that the evidence, confession, or admission is of substantial importance in the case; ~~or~~

(6) is issued under Chapter [64](#); or

(7) grants bail, in an amount considered insufficient by the prosecuting attorney, to a defendant who:

(A) is charged with an offense under any of the following sections of the Penal Code:

(i) Section [19.02](#) (murder);

(ii) Section [19.03](#) (capital murder);

(iii) Section [22.02](#) (aggravated assault)

if:

(a) the offense was committed under Subsection (a)(1); or

(b) the defendant used a firearm, club, knife, or explosive weapon, as those terms are defined by Section [46.01](#), Penal Code, during the commission of the assault;

(iv) Section [20.04](#) (aggravated kidnapping);

(v) Section [29.03](#) (aggravated robbery);

(vi) Section [22.021](#) (aggravated sexual assault);

(vii) Section [21.11](#) (indecent with a child);

(viii) Section [20A.02](#) (trafficking of persons); or

1 (ix) Section 20A.03 (continuous
2 trafficking of persons); or

3 (B) is charged with an offense punishable as a
4 felony and was released on bail for an offense punishable as a
5 felony at the time the instant offense was committed.

6 (f-1) The court of appeals shall expedite an appeal under
7 Subsection (a)(7) and shall issue an order in the appeal not later
8 than the 20th day after the date the appeal is filed.

9 (f-2) In an appeal filed under Subsection (a)(7), a court of
10 appeals may:

11 (1) affirm or modify the bail amount set by the court;
12 or

13 (2) reject the bail amount set by the court and remand
14 the case to the court, with or without guidance, for modification of
15 the bail amount.

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

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

23 (2) grant bail in an amount considered insufficient by
24 the prosecuting attorney, in which event the defendant shall be
25 held in custody during the pendency of the appeal.

26 SECTION 17. Article 56A.051(a), Code of Criminal Procedure,
27 is amended to read as follows:

1 (a) A victim, guardian of a victim, or close relative of a
2 deceased victim is entitled to the following rights within the
3 criminal justice system:

4 (1) the right to receive from a law enforcement agency
5 adequate protection from harm and threats of harm arising from
6 cooperation with prosecution efforts;

7 (2) the right to have the magistrate consider the
8 safety of the victim or the victim's family in setting the amount of
9 bail for the defendant;

10 (3) if requested, the right to be informed in the
11 manner provided by Article [56A.0525](#):

12 (A) by the attorney representing the state of
13 relevant court proceedings, including appellate proceedings, and
14 to be informed if those proceedings have been canceled or
15 rescheduled before the event; and

16 (B) by an appellate court of the court's
17 decisions, after the decisions are entered but before the decisions
18 are made public;

19 (4) when requested, the right to be informed in the
20 manner provided by Article [56A.0525](#):

21 (A) by a peace officer concerning the defendant's
22 right to bail and the procedures in criminal investigations; and

23 (B) by the office of the attorney representing
24 the state concerning:

25 (i) the general procedures in the criminal
26 justice system, including general procedures in guilty plea
27 negotiations and arrangements, restitution, and the appeals and

1 parole process; and

2 (ii) whether the defendant has fully
3 complied with any conditions of the defendant's bail;

4 (5) the right to provide pertinent information to a
5 community supervision and corrections department conducting a
6 presentencing investigation concerning the impact of the offense on
7 the victim and the victim's family by testimony, written statement,
8 or any other manner before any sentencing of the defendant;

9 (6) the right to receive information, in the manner
10 provided by Article 56A.0525:

11 (A) regarding compensation to victims of crime as
12 provided by Chapter 56B, including information related to the costs
13 that may be compensated under that chapter and the amount of
14 compensation, eligibility for compensation, and procedures for
15 application for compensation under that chapter;

16 (B) for a victim of a sexual assault, regarding
17 the payment under Subchapter G for a forensic medical examination;
18 and

19 (C) when requested, providing a referral to
20 available social service agencies that may offer additional
21 assistance;

22 (7) the right to:

23 (A) be informed, on request, and in the manner
24 provided by Article 56A.0525, of parole procedures;

25 (B) participate in the parole process;

26 (C) provide to the board for inclusion in the
27 defendant's file information to be considered by the board before

1 the parole of any defendant convicted of any offense subject to this
2 chapter; and

3 (D) be notified in the manner provided by Article
4 [56A.0525](#), if requested, of parole proceedings concerning a
5 defendant in the victim's case and of the defendant's release;

6 (8) the right to be provided with a waiting area,
7 separate or secure from other witnesses, including the defendant
8 and relatives of the defendant, before testifying in any proceeding
9 concerning the defendant; if a separate waiting area is not
10 available, other safeguards should be taken to minimize the
11 victim's contact with the defendant and the defendant's relatives
12 and witnesses, before and during court proceedings;

13 (9) the right to the prompt return of any of the
14 victim's property that is held by a law enforcement agency or the
15 attorney representing the state as evidence when the property is no
16 longer required for that purpose;

17 (10) the right to have the attorney representing the
18 state notify the victim's employer, if requested, that the victim's
19 cooperation and testimony is necessary in a proceeding that may
20 require the victim to be absent from work for good cause;

21 (11) the right to request victim-offender mediation
22 coordinated by the victim services division of the department;

23 (12) the right to be informed, in the manner provided
24 by Article [56A.0525](#), of the uses of a victim impact statement and
25 the statement's purpose in the criminal justice system as described
26 by Subchapter D, to complete the victim impact statement, and to
27 have the victim impact statement considered:

1 (A) by the attorney representing the state and
2 the judge before sentencing or before a plea bargain agreement is
3 accepted; and

4 (B) by the board before a defendant is released
5 on parole;

6 (13) for a victim of an assault or sexual assault who
7 is younger than 17 years of age or whose case involves family
8 violence, as defined by Section 71.004, Family Code, the right to
9 have the court consider the impact on the victim of a continuance
10 requested by the defendant; if requested by the attorney
11 representing the state or by the defendant's attorney, the court
12 shall state on the record the reason for granting or denying the
13 continuance; and

14 (14) if the offense is a capital felony, the right to:

15 (A) receive by mail from the court a written
16 explanation of defense-initiated victim outreach if the court has
17 authorized expenditures for a defense-initiated victim outreach
18 specialist;

19 (B) not be contacted by the victim outreach
20 specialist unless the victim, guardian, or relative has consented
21 to the contact by providing a written notice to the court; and

22 (C) designate a victim service provider to
23 receive all communications from a victim outreach specialist acting
24 on behalf of any person.

25 SECTION 18. Section 72.038, Government Code, is amended by
26 adding Subsections (b-1) and (c-1) and amending Subsection (c) to
27 read as follows:

1 (b-1) A person who, under the authority of a standing order
2 related to bail, releases on bail a defendant who is charged with an
3 offense punishable as a Class B misdemeanor or any higher category
4 of offense shall complete the form required under this section.

5 (c) The person setting bail, an employee of the court that
6 set the defendant's bail, or an employee of the county in which the
7 defendant's bail was set must, on completion of the form required
8 under this section, promptly but not later than 48 [~~72~~] hours after
9 the time the defendant's bail is set provide the form
10 electronically to the office through the public safety report
11 system.

12 (c-1) The office shall provide to the elected district
13 attorney in each county an electronic copy of the form submitted to
14 the office under Subsection (c) for each defendant whose bail is set
15 in the county for an offense involving violence, as defined by
16 Article 17.03, Code of Criminal Procedure. An elected district
17 attorney shall provide an e-mail address to the office for the
18 purpose of receiving a form as provided by this subsection.

19 SECTION 19. Section 51A.003(b), Human Resources Code, is
20 amended to read as follows:

21 (b) The notice adopted under this section must include the
22 following in both English and Spanish:

23 (1) a statement that it is a criminal offense for any
24 person, including a member of the family or former member of the
25 family, to cause physical injury or harm to a victim or to engage in
26 conduct constituting stalking, harassment, or terroristic threat
27 toward a victim;

1 (2) a list of agencies and social organizations that
2 the victim may contact for assistance with safety planning,
3 shelter, or protection;

4 (3) contact information for:

5 (A) the National Domestic Violence Hotline;

6 (B) victim support services at the Department of
7 Public Safety; and

8 (C) the commission's family violence program;
9 and

10 (4) information regarding the legal rights of a
11 victim, including information regarding:

12 (A) the filing of criminal charges and obtaining
13 a protective order or a magistrate's order for emergency
14 protection; ~~and~~

15 (B) the ability of a tenant who is a victim of
16 family violence to vacate a dwelling and terminate a residential
17 lease; and

18 (C) the ability of the victim to provide
19 information to the local prosecutor that will be helpful to a
20 magistrate setting bail if the person committing the offense is
21 arrested.

22 SECTION 20. Article 17.071(f-1), Code of Criminal
23 Procedure, is repealed.

24 SECTION 21. As soon as practicable but not later than
25 October 1, 2025, the Texas Supreme Court shall adopt rules
26 necessary to implement Article 44.01(f-1), Code of Criminal
27 Procedure, as added by this Act.

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

SECTION 23. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2025.

(b) The following provisions, as added by this Act, take effect January 1, 2026:

- (1) Article 16.24, Code of Criminal Procedure;
- (2) Articles 17.021(c-1), (h), and (h-1), Code of Criminal Procedure;
- (3) Articles 17.027(c) and (d), Code of Criminal Procedure; and
- (4) Section 72.038(c-1), Government Code.

(c) The following provisions take effect April 1, 2026:

- (1) Article 17.021(b), Code of Criminal Procedure, as amended by this Act;
- (2) Article 17.027(a), Code of Criminal Procedure, as amended by this Act; and
- (3) Article 17.027(a-1), Code of Criminal Procedure, as added by this Act.

(d) Section 4 of this Act takes effect January 1, 2026, but only if the constitutional amendment proposed by the 89th

C.S.S.B. No. 9

1 Legislature, Regular Session, 2025, requiring the denial of bail
2 under certain circumstances to persons accused of certain offenses
3 punishable as a felony is approved by the voters. If that amendment
4 is not approved by the voters, Section 4 of this Act has no effect.