

By: McClendon

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to the release on bail of a person arrested for an offense under Chapter 49, Penal Code.

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

SECTION 1. Article 17.29, Code of Criminal Procedure, is amended to read as follows:

Art. 17.29. ACCUSED LIBERATED. (a) When the accused has given the required bond, either to the magistrate or the officer having him in custody, he shall at once be set at liberty, except as provided by this article.

(b) Before releasing on bail a person arrested for an offense under Section 42.072, Penal Code, or a person arrested or held without warrant in the prevention of family violence, the law enforcement agency holding the person shall make a reasonable attempt to give personal notice of the imminent release to the victim of the alleged offense or to another person designated by the victim to receive the notice. An attempt by an agency to give notice to the victim or the person designated by the victim at the victim's or person's last known telephone number or address, as shown on the records of the agency, constitutes a reasonable attempt to give notice under this subsection. If possible, the arresting officer shall collect the address and telephone number of the victim at the time the arrest is made and shall communicate that information to the agency holding the person.

1 (c) A law enforcement agency or an employee of a law
2 enforcement agency is not liable for damages arising from complying
3 or failing to comply with Subsection (b) of this article.

4 (d) In this article, "family violence" has the meaning
5 assigned by Section 71.01, Family Code.

6 (e) Before releasing on bail a person arrested for an
7 offense under Chapter 49, Penal Code, the law enforcement agency
8 holding the person shall make a determination that the person is no
9 longer intoxicated as defined by Chapter 49, Penal Code.

10 SECTION 2. This Act takes effect September 1, 2003.