

By: Riddle, Pena

H.B. No. 1300

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the release on personal bond of certain criminal
3 defendants.

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

5 SECTION 1. Article 17.03(b), Code of Criminal Procedure, is
6 amended to read as follows:

7 (b) Only the court before whom the case is pending may
8 release on personal bond a defendant who:

9 (1) is charged with an offense under the following
10 sections of the Penal Code:

11 (A) Section 19.02 (Murder);

12 (B) Section 19.03 (Capital Murder);

13 (C) Section 19.04 (Manslaughter);

14 (D) Section 19.05 (Criminally Negligent
15 Homicide);

16 (E) [(B)] Section 20.04 (Aggravated Kidnapping);

17 (F) [(C)] Section 22.021 (Aggravated Sexual
18 Assault) [†

19 ~~[(D) Section 22.03 (Deadly Assault on Law~~
20 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~
21 ~~Pardons and Paroles, or Court Participant)];~~

22 (G) [(E)] Section 22.04 (Injury to a Child,
23 Elderly Individual, or Disabled Individual);

24 (H) [(F)] Section 29.03 (Aggravated Robbery);

1 (I) [~~(C)~~] Section 30.02 (Burglary);

2 (J) Section 49.08 (Intoxication Manslaughter);

3 or

4 (K) [~~(H)~~] Section 71.02 (Engaging in Organized
5 Criminal Activity);

6 (2) is charged with a felony under Chapter 481, Health
7 and Safety Code, or Section 485.033, Health and Safety Code,
8 punishable by imprisonment for a minimum term or by a maximum fine
9 that is more than a minimum term or maximum fine for a first degree
10 felony; or

11 (3) does not submit to testing for the presence of a
12 controlled substance in the defendant's body as requested by the
13 court or magistrate under Subsection (c) of this article or submits
14 to testing and the test shows evidence of the presence of a
15 controlled substance in the defendant's body.

16 SECTION 2. (a) This Act takes effect September 1, 2003.

17 (b) The change in law made by this Act applies only to an
18 offense committed on or after September 1, 2003. An offense
19 committed before September 1, 2003, is covered by the law in effect
20 when the offense was committed, and the former law is continued in
21 effect for that purpose. For the purposes of this subsection, an
22 offense was committed before September 1, 2003, if any element of
23 the offense was committed before that date.