

BILL ANALYSIS

C.S.H.B. 85
By: Riddle
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law allows any magistrate to release a defendant on personal bond with the exception of certain serious or violent offenses, for which only the court before whom the case is pending may release a defendant on personal bond. As proposed, C.S.H.B. 85 would amend Article 17.03 of the Code of Criminal Procedure to add Murder, Manslaughter, Criminally Negligent Homicide, and Intoxication Manslaughter to the list of offenses for which only the court before whom the case is pending may grant a personal bond. The bill also removes from the current list one offense (Penal Code Section 22.03, "Deadly Assault on Law Enforcement or Corrections Officer, Member or Employee of Board of Pardons and Paroles, or Court Participant") that was deleted by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 85 amends Article 17.03, Code of Criminal Procedure, to add the offenses of Murder, Manslaughter, Criminally Negligent Homicide, and Intoxication Manslaughter to the list of offenses for which only the court before whom the case is pending may grant a personal bond. The bill removes from the list, an offense under Section 22.03, Penal Code.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute no longer amends Article 17.02, Code of Criminal Procedure, relating to the definition of a bail bond.