

BILL ANALYSIS

C.S.H.B. 1662
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a criminal defendant to be released on a reduced bond or a personal bond if the state is not ready for trial within 90 days of arrest in a felony case. However, defendants who violate a condition of their bond are guaranteed to be offered an additional bond because current law does not allow the state to hold the defendant without bond until the time of the trial. As proposed, CSHB 1662 allows for an exemption to the mandatory release of a defendant who is pending trial when the defendant has violated a condition of the bond.

The purpose for the bill is to allow a judge the discretion to deny a defendant a bond if the defendant has violated a condition of his original bond. For example, most defendants charged with the domestic violence crimes will have as a condition of their bond that they refrain from having any contact with the alleged victim. When a defendant violates such a condition, the only recourse is for a judge is to set a higher bond amount. CSHB 1662 will allow a judge the discretion to deny bail when a defendant has violated a condition of his bond.

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

CSHB 1662 amends Section 2, Article 17.151, Code of Criminal Procedure, to allow for an exemption to the mandatory release of a defendant who is pending trial for violating a condition of the defendant's bond.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds language that clarifies that the intent of the bill is to revoke bail only when there are concerns as to the safety of the victim or the community. This substitute mirrors the floor amendment that the Senate adopted to companion legislation SB 599.