

BILL ANALYSIS

S.B. 56
By: Nelson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As proposed, S.B. 56 prevents a judge or magistrate from reducing the amount of bail that has been set for a defendant that has been charged with certain offenses listed in Section 3g, Article 42.12, Code of Criminal Procedure, without giving reasonable notice of the proposed bail reduction to the attorney representing the state. Among the offenses listed in that section are murder, capital murder, aggravated sexual assault, and aggravated robbery.

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

Senate Bill 56 amends the Code of Criminal Procedure to require a judge or magistrate, before reducing the amount of bail set for a defendant charged with an offense listed in Section 3g (relating to certain applicability exceptions), Article 42.12 or an offense described by Article 62.01(5), to provide reasonable notice of the proposed bail reduction to the attorney representing the state, and, on request of the attorney representing the state or the defendant's counsel, an opportunity for a hearing concerning the proposed bail reduction.

EFFECTIVE DATE

September 1, 2005.