

BILL ANALYSIS

S.B. 599
By: Staples
Criminal Jurisprudence
Committee Report (Unamended)

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, SB 599 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. SB 599 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

SB 599 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 related to the safety of a victim of the alleged offense or to the safety of the community.

EFFECTIVE DATE

This Act takes effect September 1, 2005.