

By: Riddle

H.B. No. 85

Substitute the following for H.B. No. 85:

By: Keel

C.S.H.B. No. 85

A BILL TO BE ENTITLED

AN ACT

relating to the release on bond of certain criminal defendants.

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

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

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

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

(A) Section 19.02 (Murder);

(B) Section 19.03 (Capital Murder);

(C) Section 19.04 (Manslaughter);

(D) Section 19.05 (Criminally Negligent Homicide);

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

(F) [~~(C)~~] Section 22.021 (Aggravated Sexual Assault) [~~+~~

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

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

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

(I) [~~(G)~~] Section 30.02 (Burglary);

1 (J) Section 49.08 (Intoxication Manslaughter);

2 or

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

5 (2) is charged with a felony under Chapter 481, Health
6 and Safety Code, or Section 485.032 [~~485.033~~], Health and Safety
7 Code, punishable by imprisonment for a minimum term or by a maximum
8 fine that is more than a minimum term or maximum fine for a first
9 degree felony; or

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

15 SECTION 2. The change in law made by this Act applies only to
16 an offense committed on or after September 1, 2005. An offense
17 committed before September 1, 2005, is covered by the law in effect
18 when the offense was committed, and the former law is continued in
19 effect for that purpose. For the purposes of this section, an
20 offense was committed before September 1, 2005, if any element of
21 the offense was committed before that date.

22 SECTION 3. This Act takes effect September 1, 2005.