

By: Haggerty

H.B. No. 2906

A BILL TO BE ENTITLED

AN ACT

relating to surety bonds for the electronic monitoring of criminal defendants.

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

SECTION 1. Article 17.43, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A magistrate may require as a condition of release [~~on personal bond~~] that the defendant submit to home curfew and electronic monitoring under the supervision of an agency designated by the magistrate.

(c) A magistrate requiring home curfew and electronic monitoring pursuant to this article shall require the defendant to give a surety bond to ensure the faithful performance of the conditions of release. A copy of the conditions of release shall be attached to and made a part of the surety bond.

SECTION 2. Article 17.44, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) A magistrate requiring home confinement and electronic monitoring pursuant to this article shall require the defendant to give a surety bond to ensure the faithful performance of the conditions of release. A copy of the conditions of release shall be attached to and made a part of the surety bond.

SECTION 3. Article 42.035, Code of Criminal Procedure, is

1 amended by amending Subsection (b) and adding Subsections (b-1) and
2 (b-2) to read as follows:

3 (b) A judge, at the time of the pronouncement of a sentence
4 of confinement or at any time while the defendant is serving the
5 sentence, on the judge's own motion or on the written motion of the
6 defendant, may permit the defendant to serve the sentence under
7 house arrest, including electronic monitoring and any other
8 conditions the court chooses to impose, during the person's
9 off-work hours. [~~The judge may require bail of the defendant to
10 ensure the faithful performance of the sentence.~~]

11 (b-1) In order to manage the population of a jail in
12 compliance with state law and the constitution of this state or the
13 United States, a sheriff may permit a defendant to serve a sentence
14 of confinement in county jail by submitting to electronic
15 monitoring rather than being confined in the county jail. The
16 sheriff shall enter into a written agreement with the defendant
17 setting forth the conditions to be imposed upon the defendant
18 during such period of release from confinement in the county jail.
19 If the sheriff determines that the defendant has violated a
20 condition imposed, the sheriff shall have the authority to cancel
21 the agreement and return the defendant to confinement in the county
22 jail by any lawful means necessary, to serve the balance of the
23 sentence.

24 (b-2) A person released from confinement pursuant to this
25 article shall be required to give a surety bond to ensure the
26 faithful performance of the conditions of release from confinement
27 in the county jail. A copy of the conditions of release shall be

1 attached to and made a part of the surety bond. The surety on such a
2 bond must be a corporate surety qualified to write fidelity,
3 guaranty and surety bonds under the Insurance Code.

4 SECTION 4. This Act takes effect September 1, 2005.