

By: Herrero

H.B. No. 3738

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and operation of personal bond offices.

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

SECTION 1. Sections 1 through 4, Article 17.42, Code of Criminal Procedure, are amended to read as follows:

Sec. 1. (a) Any of the following ~~[county, or any judicial district with jurisdiction in more than one county, with the approval of the commissioners court of each county in the district,]~~ may establish a personal bond office:

(1) a county;

(2) a judicial district with jurisdiction in more than one county, with the approval of the commissioners court of each county in the district; or

(3) the judge or judges of a county in whose courts criminal offenses that are punishable as Class A or B misdemeanors or felonies are prosecuted.

(b) A personal bond office shall:

(1) [to] gather and review information about an accused that may have a bearing on whether the accused [he] will comply with the conditions of a personal bond and report the [its] findings of the office to the court before which the case is pending;

(2) supervise all defendants released on bond or

1 personal bond or any other type of pretrial release, including  
2 defendants awaiting a hearing on a motion to revoke community  
3 supervision;

4 (3) provide any pretrial services necessary to assist  
5 the court in the pretrial supervision of defendants released on  
6 bond; and

7 (4) monitor defendants' compliance with any conditions  
8 of bond imposed by the court.

9 Sec. 2. (a) The commissioners court, judicial district, or  
10 judges, as applicable, that establish [~~of a county that establishes~~  
11 ~~the office or the district and county judges of a judicial district~~  
12 ~~that establishes~~] the office may employ a director of the office.

13 (b) The director may employ the staff authorized by the  
14 commissioners court of the county, [~~or~~] the commissioners court of  
15 each county in the judicial district, or the judges that establish  
16 the office.

17 Sec. 3. If a judicial district establishes an office and if  
18 the fees collected under this article are not sufficient to pay the  
19 costs of the office, each county in the district shall pay its pro  
20 rata share of the costs of administering the office according to its  
21 population.

22 Sec. 4. (a) If a court releases an accused on personal bond  
23 on the recommendation of a personal bond office, the court shall  
24 assess a personal bond fee of:

25 (1) \$20 or three percent of the amount of the bail  
26 fixed for the accused, whichever is greater, in a county that has  
27 not established a drug court program under Chapter 469, Health and

1 Safety Code; or

2 (2) \$20 or five percent of the amount of the bail fixed  
3 for the accused, whichever is greater, in a county that has  
4 established a drug court program under Chapter 469, Health and  
5 Safety Code.

6 (a-1) The court may waive the fee or assess a lesser fee  
7 under Subsection (a) if good cause is shown.

8 (b) In a county that has not established a drug court  
9 program under Chapter 469, Health and Safety Code, fees [Fees]  
10 collected under this article may be used solely to defray expenses  
11 of the personal bond office, including defraying the expenses of  
12 extradition.

13 (b-1) In a county that has established a drug court program  
14 under Chapter 469, Health and Safety Code, 60 percent of the fees  
15 collected under this article must be used to defray expenses of the  
16 personal bond office, including expenses of extradition, and 40  
17 percent of the fees collected under this article must be used to  
18 defray the expenses of the drug court program.

19 (c) Fees collected under this article shall be:

20 (1) deposited in the county treasury, or if the office  
21 serves more than one county, in the county treasury of the county  
22 with the greatest population; and

23 (2) used to pay for the costs of the office and, if  
24 applicable, of the drug court program [~~the fees shall be~~  
25 apportioned to each county in the district according to each  
26 county's pro rata share of the costs of the office].

27 SECTION 2. Chapter 469, Health and Safety Code, is amended

1 by adding Section 469.008 to read as follows:

2 Sec. 469.008. OTHER FUNDING SOURCES. A county that  
3 establishes a drug court program under this chapter and does not  
4 have a personal bond office shall assess a personal bond fee of \$20  
5 or five percent of the amount of bail fixed for an accused,  
6 whichever is greater. The fees collected under this section must be  
7 used to defray the expenses of the drug court program.

8 SECTION 3. This Act takes effect September 1, 2007.