

BILL ANALYSIS

C.S.H.B. 3615
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law authorizes a magistrate to require electronic monitoring and testing for controlled substances as a condition of a bail bond if a defendant is released on bond or a personal bond, but only if the provisions relating to a personal bond include specific language on recovering the costs of the services from the defendant.

In 2008, Harris County Pretrial Services supervised approximately 6,500 defendants who secured release on a bail bond with court ordered conditions to submit to electronic monitoring or testing for a controlled substance by the Texas Department of Criminal Justice (TDCJ) and to pay the cost of the service. TDCJ collected approximately \$528,000 in assessed costs for these services in 2008. Courts contend that a magistrate has authority to order a defendant to pay for the cost of these services, but the court attorney's office suggests that more explicit language is needed to impose these costs on a defendant.

C.S.H.B. 3615 clarifies the authority of a magistrate to revoke the bond and order the arrest of a defendant if the defendant fails to pay the cost for electronic monitoring or testing for controlled substances ordered as a condition of bond and the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered. The bill authorizes the court to order costs for electronic monitoring or testing for controlled substances to be assessed as court costs or paid directly by a defendant as a condition of the 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

C.S.H.B. 3615 amends the Code of Criminal Procedure to authorize the cost of electronic monitoring or testing for controlled substances ordered as a condition of a defendant's release on bond to be assessed as court costs or ordered paid directly by the defendant as a condition of bond. The bill includes the defendant's failing to pay the costs of monitoring or testing for controlled substances among the circumstances under which a magistrate is authorized to revoke a bond and order a defendant arrested, if payment is ordered for the monitoring or testing as a condition of bond and the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3615 differs from the original by adding a condition to the circumstance under which a magistrate may revoke bond and order a defendant arrested for the defendant's failure to pay the costs of electronic monitoring or testing for controlled substances that the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered.