

BILL ANALYSIS

C.S.H.B. 1029
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a magistrate may require a certain defendant to submit to electronic monitoring as a condition of pretrial release. C.S.H.B. 1029 seeks to require electronic monitoring for a defendant charged with a burglary or burglary of a vehicle offense who has two or more previous convictions of such an offense. The purpose of this legislation is to ensure that a previously convicted defendant released on bond is appropriately monitored and held accountable for any actions while out on bond and to secure the appearance of the defendant in court when ordered.

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. 1029 amends the Code of Criminal Procedure to require a magistrate who finds that a defendant charged with a burglary or burglary of a vehicle offense has been previously convicted two or more times of such an offense to require as a condition of bond that the defendant submit to electronic monitoring by a global positioning monitoring system under the supervision of an agency designated by the magistrate. The bill requires the magistrate to require the defendant to directly pay the cost of the electronic monitoring as a condition of bond, unless the court finds that the defendant is indigent and enters its findings on record.

C.S.H.B. 1029 requires the taking into custody and denial of further release on personal bond pending trial of such a defendant who is released on personal bond and violates a condition of bond relating to electronic monitoring set out under the bill's provisions and whose bail in the case is revoked for the violation. The bill authorizes the defendant to be released on depositing current money of the United States with the custodian of funds of the court in which the prosecution is pending, or on obtaining a surety bond, in the amount of the new bond as set by the court.

C.S.H.B. 1029 defines "global positioning monitoring system."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1029 contains a provision not included in the original requiring the taking into custody and denial of further release on personal bond pending trial of a defendant who is charged with a burglary or burglary of a vehicle offense, has been previously convicted two or more times of such an offense, is released on personal bond, and whose bail is revoked for violating a condition

of bond relating to electric monitoring. The substitute contains a provision not included in the original authorizing the defendant's release on depositing money or obtaining a surety bond in the amount of the new bond as set by the court.

C.S.H.B. 1029 differs from the original by making the requirement that a magistrate require as a condition of bond that the defendant submit to electronic monitoring apply to a defendant charged with a burglary or burglary of a vehicle offense who has been previously convicted two or more times of such an offense, whereas the original makes the requirement apply only to a defendant charged with a burglary offense who has been previously convicted two or more times of that offense. The substitute differs from the original, in that requirement, by adding the specification that the monitoring is by a global positioning monitoring system, whereas the original contains no such specification. The substitute contains a provision not included in the original defining "global positioning monitoring system." The substitute differs from the original by providing an exception to a defendant's duty to pay the cost of the electronic monitoring as a condition of bond if the court finds that the defendant is indigent, whereas the original provides the exception if the court finds that the defendant is indigent or is otherwise unable to pay all or part of the cost.