

By: Carter

H.B. No. 1029

A BILL TO BE ENTITLED

AN ACT

relating to the conditions of release on bond for certain defendants charged with the offense of burglary.

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

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.154 to read as follows:

Art. 17.154. DENIAL OF PERSONAL BOND FOR VIOLATION OF CONDITION OF BOND IN BURGLARY CASE. A defendant charged with an offense under Section 30.02 or 30.04, Penal Code, who is released on personal bond and violates a condition of bond set under Article 17.442 and whose bail in the case is revoked for the violation shall be taken into custody and denied further release on personal bond pending trial. The defendant may 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.

SECTION 2. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.442 to read as follows:

Art. 17.442. CONDITIONS REQUIRING ELECTRONIC MONITORING.
(a) In this article, "global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar device carried or worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning

1 satellite technology.

2 (b) If a magistrate finds that a defendant charged with an
3 offense under Section 30.02 or 30.04, Penal Code, has been
4 previously convicted two or more times of an offense under either of
5 those sections, the magistrate shall require as a condition of bond
6 that the defendant submit to electronic monitoring by a global
7 positioning monitoring system under the supervision of an agency
8 designated by the magistrate. The magistrate shall require the
9 defendant to directly pay the cost of the electronic monitoring as a
10 condition of bond, unless the court finds that the defendant is
11 indigent and enters its findings on record.

12 SECTION 3. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2011.