

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 17.442 to read as follows:

Art. 17.442. CONDITIONS REQUIRING ELECTRONIC MONITORING.

If a magistrate finds that a defendant charged with an offense under Section 30.02, Penal Code, has been previously convicted two or more times of an offense under that section, the magistrate shall require as a condition of bond that the defendant submit to electronic monitoring under the supervision of an agency designated by the magistrate. The magistrate shall 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 or is otherwise unable to pay all or part of the cost and enters its findings on record.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 3. This Act takes effect September 1, 2011.