

## **BILL ANALYSIS**

C.S.H.B. 1314  
By: Israel  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties assert that pregnant defendants in county jails have limited access to prenatal vitamins, suitable housing, and appropriate physicians. C.S.H.B. 1314 seeks to address this issue by requiring a magistrate to release a pregnant defendant on personal bond, unless good cause is shown otherwise.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 1314 amends the Code of Criminal Procedure to require a magistrate to release a defendant on personal bond without sureties or other security if the defendant is pregnant, unless good cause is shown otherwise.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1314 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.034 to read as follows:

Art. 17.034. RELEASE ON PERSONAL BOND OF PREGNANT DEFENDANT.

(a) For purposes of this article, a person is considered to have been convicted of an offense if:

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.034 to read as follows:

Art. 17.034. RELEASE ON PERSONAL BOND OF PREGNANT DEFENDANT.

85R 26640

17.116.576

Substitute Document Number: 85R 19812

- (1) a sentence is imposed;
  - (2) the person is placed on community supervision, including deferred adjudication community supervision; or
  - (3) the court defers final disposition of the case.
- (b) A magistrate shall release a defendant on personal bond without sureties or other security, unless good cause is shown otherwise, if the defendant:
- (1) is pregnant; and
  - (2) is not charged with and has not been previously convicted of a violent offense, as defined by Article 17.032(a).

A magistrate shall release a defendant on personal bond without sureties or other security if the defendant is pregnant, unless good cause is shown otherwise.

SECTION 2. The change in law made by this Act applies only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.