

By: Wu

H.B. No. 686

A BILL TO BE ENTITLED

AN ACT

relating to bail release decisions in criminal cases and the payment of certain costs by a defendant released on bail.

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

SECTION 1. Article 17.03, Code of Criminal Procedure, is amended by adding Subsection (e-1) to read as follows:

(e-1) A magistrate may not require a defendant who is indigent to pay the cost of testing for alcohol or controlled substances required under this article.

SECTION 2. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.145 to read as follows:

Art. 17.145. BAIL RELEASE POLICY. (a) The district judges with criminal jurisdiction in each judicial district shall adopt a policy establishing recommended bail release decisions for any misdemeanor or felony offense pending in that district. A policy must:

(1) be evidence-based;

(2) make a recommendation regarding a defendant's release on bail for each offense according to the following categories:

(A) release on a personal bond without conditions;

(B) release on a personal bond with conditions;

(C) release on a bail bond without conditions;

1 (D) release on a bail bond with conditions; or

2 (E) denial of release on bail; and

3 (3) include recommended bail amounts, as applicable.

4 (b) A court, judge, magistrate, or officer may not use a
5 bail schedule in setting bail unless the schedule is part of a
6 policy adopted under this article.

7 SECTION 3. Article 17.43, Code of Criminal Procedure, is
8 amended by adding Subsection (c) to read as follows:

9 (c) A magistrate may not require a defendant who is indigent
10 to pay the cost of electronic monitoring required under this
11 article.

12 SECTION 4. Article 17.44, Code of Criminal Procedure, is
13 amended by adding Subsection (f) to read as follows:

14 (f) A magistrate may not require a defendant who is indigent
15 to pay the cost of electronic monitoring or testing for controlled
16 substances required under this article.

17 SECTION 5. Article 17.441, Code of Criminal Procedure, is
18 amended by adding Subsection (e) to read as follows:

19 (e) A magistrate may not require a defendant who is indigent
20 to pay the cost of installing or monitoring a device required under
21 this article.

22 SECTION 6. Article 17.49(h), Code of Criminal Procedure, is
23 amended to read as follows:

24 (h) If the magistrate determines that a defendant is
25 indigent, the magistrate may not [~~based on a sliding scale~~
26 ~~established by local rule,~~] require the defendant to pay the costs
27 under Subsection (b)(2) or (3) [~~in an amount that is less than the~~

1 ~~full amount of the costs associated with operating the global~~
2 ~~positioning monitoring system in relation to the defendant or~~
3 ~~providing the victim with an electronic receptor device].~~

4 SECTION 7. Subchapter B, Chapter 22, Government Code, is
5 amended by adding Section 22.113 to read as follows:

6 Sec. 22.113. DUTIES REGARDING BAIL RELEASE. (a) The court
7 of criminal appeals shall require each judicial district to collect
8 and report information to the court regarding the pretrial release
9 of defendants in the district. The court of criminal appeals shall
10 specify the information to be collected and the frequency of
11 reporting.

12 (b) The court of criminal appeals may adopt rules as
13 necessary to implement this section and Article 17.145, Code of
14 Criminal Procedure.

15 SECTION 8. Article 17.49(i), Code of Criminal Procedure, is
16 repealed.

17 SECTION 9. Not later than January 1, 2020, each judicial
18 district shall:

19 (1) adopt the policy required by Article 17.145, Code
20 of Criminal Procedure, as added by this Act; and

21 (2) submit a report to the court of criminal appeals
22 that includes:

23 (A) the policy adopted by the district; and

24 (B) a description of the factors considered by
25 the district in adopting the policy.

26 SECTION 10. This Act takes effect September 1, 2017.