

Amend CSHB 2020 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill and cross-references to those SECTIONS accordingly:

SECTION _____. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.1501 to read as follows:

Art. 17.1501. BAIL ADJUSTMENT HEARING. (a) This article applies to a defendant:

(1) for whom a monetary bail has been set; and

(2) who has not given bail within 48 hours of charges being filed or after being arrested, whichever is later.

(b) Except as provided by Subsection (c), a defendant to whom this article applies is entitled to a hearing at which the court shall:

(1) determine the amount the defendant is able to pay;
and

(2) either:

(A) release the defendant on personal bond, with or without conditions; or

(B) adjust the amount of the monetary bail as appropriate based on the defendant's ability to pay.

(c) The court is not required to hold a hearing or take an action described by Subsection (b)(2) if the court, after considering the results of a pretrial risk assessment of the defendant, makes a written finding that:

(1) there is a high likelihood that the defendant's release would endanger public safety or result in the defendant failing to appear; and

(2) the likelihood described by Subdivision (1) is substantially greater than the likelihood described by that subdivision that would result if the defendant were released pursuant to the amount of monetary bail as originally set.