

## **BILL ANALYSIS**

H.B. 3283  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Many Texas counties have reported experiencing costly litigation and public rebuke regarding bail practices and procedures. Although it has been suggested that current statutory provisions provide sufficient guidance for local judicial and law enforcement stakeholders to protect the constitutional rights of the detained while also maintaining safe communities and efficiently managing jail populations, a recent court opinion has provided additional guidance on the issue. In response to that guidance, H.B. 3283 seeks to allow judges of courts trying criminal cases in a county the discretion to set a schedule of bail amounts for applicable offenses.

### **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**

H.B. 3283 amends the Code of Criminal Procedure to authorize a judge of a court trying criminal cases in a county to promulgate a standing order setting out a schedule of suggested bail amounts for any offense over which the court has jurisdiction. The bill authorizes a defendant who is charged with an offense for which a bail schedule has been established:

- on paying the required bail amount, to waive the right to appear before a magistrate and be released from custody; or
- if unable to pay the required bail amount, to file a sworn affidavit with the applicable magistrate declaring the maximum amount that the defendant would be able to pay or provide as security within 24 hours of arrest for purposes of obtaining a bail bond.

H.B. 3283 requires the affidavit to set out sufficient facts to clearly establish that maximum amount. The bill entitles a defendant who files such an affidavit to a hearing before the magistrate on the bail amount, which must be held not later than 48 hours after the charges were filed against the defendant or 48 hours after the defendant was arrested, whichever is later. The bill requires the magistrate to do the following:

- consider the facts stated in the affidavit and the rules for fixing the amount of bail;
- set the defendant's bail; and
- issue oral or written findings of fact supporting the decision.

H.B. 3283 requires a defendant who has not given bail before the fourth business day after the date bail is set under the bill's provisions to be taken before the court before whom the case is pending for a hearing to reconsider the bail amount. The bill authorizes the court to adjust the bail, keep the bail as previously set, or impose any additional conditions of release on bond the court considers necessary at the hearing.

**EFFECTIVE DATE**

September 1, 2019.