

BILL ANALYSIS

H.B. 3849
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There have been calls for a centralized office to oversee personal bond orders imposed on defendants for bail. It has been suggested that, because many county magistrates and judges do not have access to these orders, they are unable to enforce certain bond conditions. H.B. 3849 seeks to address this issue by providing for the authority of a county commissioners court or judicial district to establish an office of personal bond and pretrial supervision.

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. 3849 amends the Code of Criminal Procedure to authorize any county, or any judicial district with jurisdiction in more than one county, with the approval of the commissioners court of each county in the district, to establish a personal bond and pretrial supervision office to gather and review information about an accused that may have a bearing on whether the accused will comply with the conditions of a personal bond and report its findings to the court before which the case is pending.

H.B. 3849 authorizes the commissioners court of a county that establishes a personal bond and pretrial supervision office or the district and county judges of a judicial district that establishes such an office to direct the office to provide the pretrial services a community supervision and corrections department is authorized to provide under Government Code provisions governing the operation of certain services and programs of those departments. The bill exempts from such a directive a personal bond and pretrial supervision office that on January 1, 1995, was operated by a community corrections and supervision department. The bill authorizes programs operated by the office to include reasonable conditions and monitoring related to the purpose of the programs, including testing for controlled substances and alcohol use, and establishes that, if this authorization conflicts with a more specific provision of another law, the other law prevails.

H.B. 3849 authorizes the commissioners court of a county that establishes a personal bond and pretrial supervision office or the district and county judges of a judicial district that establishes such an office to direct the office to provide as part of the court's or the judges' duties related to pretrial services indigent legal services monitoring, pretrial rehabilitative services, coordination of mental health services, and other services as are required to fulfill the goals of pretrial bond supervision. The bill exempts from such a directive a personal bond and pretrial supervision

office that on January 1, 1995, was operated by a community corrections and supervision department.

H.B. 3849 amends the Government Code to entitle the director of a personal bond or personal bond and pretrial supervision office, or an employee of the office authorized by the director, to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person being considered for personal bond or is receiving services from the office. The bill prohibits DPS from charging a fee for providing such information.

H.B. 3849 prohibits a person who obtains such information from releasing that information except to a judge or magistrate making a bond determination, if the criminal history is relevant to that determination. The bill authorizes a person who obtains such information to disclose to the subject of the information, the attorney representing the state, or the subject's defense attorney:

- the date and place of any arrest in the subject's criminal history and the offense for which the subject was arrested; and
- the associated dispositions.

EFFECTIVE DATE

September 1, 2019.