

BILL ANALYSIS

S.B. 1804
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding a lack of access to information on conditions of bond for certain offenders, particularly those convicted of offenses involving domestic violence, for law enforcement officers, family members, and other affected parties. S.B. 1804 seeks to address these concerns by requiring the entry of certain conditions of bond information into the statewide law enforcement information system and by setting certain victim notification requirements.

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

S.B. 1804 amends the Code of Criminal Procedure to require a magistrate who issues an order imposing a condition of bond, or modifying or removing such a condition, on a defendant charged with an offense involving family violence, to send a copy of the order, as soon as possible but not later than the next business day after issuance, to the applicable municipal chief of police or county sheriff, depending on whether the victim resides in a municipality. The bill requires the clerk of the court to send a copy of the order to the victim at the victim's last known address as soon as possible but not later than the next business day after issuance. The bill authorizes a magistrate or clerk of the court to delay sending a copy of the order if the magistrate or clerk lacks information necessary to ensure service and enforcement. If the order issued by the magistrate prohibits the defendant from going to or near a child care facility or school, the magistrate must also send a copy of the order to the applicable facility or school. The bill authorizes a copy of the order and any related information that is required to be sent to be sent electronically or in another manner that can be accessed by the recipient. If the victim of the offense is not present when the order is issued, the magistrate is required to order a peace officer to make a good faith effort to provide notice of the order to the victim within 24 hours by calling the victim's last known phone number.

S.B. 1804 requires an applicable law enforcement agency that receives a copy of an order under the bill's provisions, not later than the third business day after the date of receipt, to enter certain related information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS) or to modify or remove that information, as appropriate. The bill sets out related provisions and requires DPS to modify the system to:

- enable the system to accept and maintain detailed information regarding the requirements and status of a condition of bond imposed on a defendant charged with an offense

involving family violence so that a peace officer may:

- easily and quickly search the system by one or more criteria related to such information, including the name of the defendant on whom the condition is imposed; and
- retrieve the information necessary to enforce the condition of bond or prevent a violation of the condition; and
- ensure that a person who accesses the system for the purpose of entering, modifying, or removing information that relates to a condition of a bond imposed on such a defendant may add or remove notes regarding the condition, the defendant on whom the condition is imposed, or the person protected by the condition.

EFFECTIVE DATE

September 1, 2019.