

BILL ANALYSIS

Senate Research Center
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S.B. 1804
By: Kolkhorst
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, law enforcement officers are unable to access Conditions of Bond (COB) information that has been issued by judges in order to protect survivors of domestic violence when an offender is released on bond. A "no contact" order is usually given as a condition of the bond in domestic violence-related cases to protect survivors and witnesses during the pretrial process.

Law enforcement officers cannot enforce Conditions of Bond because of the inability to verify its mandates within the Texas Crime Information Center (TCIC). As a result of the lack of accessible information on conditions, survivors, law enforcement, and the community remain at risk, and the offender has no accountability.

TCIC currently provides law enforcement officers with valuable data regarding the stolen status of property as well as information on whether an individual is wanted, is missing, is a sex offender, or is the respondent of a protective order. Law enforcement can access this information within seconds, 24 hours a day, 7 days a week, through the Texas Law Enforcement Telecommunications System.

Prosecutors, judges, and survivors have reported that Texas law enforcement has difficulty in verifying Conditions of Bond immediately after a violation is committed by an offender. In many cases, survivors are not even made aware when conditions are placed for their protection due to lack of victim notification requirement in the current statute.

If passed, S.B. 1804 calls for Conditions of Bond to be entered into TCIC as a standalone record that is easily accessible to law enforcement, and sees that victims be notified of such conditions for their protection. Accordingly, S.B. 1804 provides direct language for the entry of Conditions of Bond into TCIC with requirements of specific information fields and a process to notify survivors when offenders are released on bond. This legislation provides law enforcement and the community added protection when an offender has violated their condition of bond and allows victims in family violence cases the appropriate protection they should be provided under law.

As proposed, S.B. 1804 amends current law relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond imposed in criminal cases involving family violence.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.49, Code of Criminal Procedure, by adding Subsections (m), (n), (o), (p), (q), (r), (s), and (t), as follows:

(m) Requires the magistrate, as soon as possible but not later than the next business day after the date the magistrate issues an order imposing a condition of bond or modifying or

removing a condition imposed under this article (Conditions for Defendant Charged with Offense Involving Family Violence), to send a copy of the order to the chief of police in the municipality where the victim of the offense resides, if the victim resides in a municipality, or to the sheriff of the county where the victim resides, if the victim does not reside in a municipality. 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 the date the order is issued.

(n) Authorizes a magistrate or clerk of the court to delay sending a copy of the order under Subsection (m) only if the magistrate or clerk lacks information necessary to ensure service and enforcement.

(o) Requires the magistrate, if an order described by Subsection (m) prohibits a defendant from going to or near a child care facility or school, to send a copy of the order to the applicable child care facility or school.

(p) Authorizes the copy of the order and any related information to be sent under Subsection (m) or (o) electronically or in another manner that can be accessed by the recipient.

(q) Requires the magistrate, if the victim of the offense is not present when an order described by Subsection (m) is issued, 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.

(r) Requires the law enforcement agency, not later than the third business day after the date of receipt of the copy of an order described by Subsection (m) by the applicable law enforcement agency, to enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety of the State of Texas (DPS) or to modify or remove that information, as appropriate:

(1) the information listed in Section 411.042(b)(6) (relating to a requirement of the bureau of identification and records to collect certain information relating to protective orders), Government Code, as that information relates to an order issued under this article;

(2) the date the order releasing the defendant on bond was issued; and

(3) the court that issued the order releasing the defendant on bond.

(s) Requires the law enforcement agency to enter the information described by Subsection (r) into the statewide law enforcement information system maintained by DPS:

(1) in the same manner that the agency enters the information into the system for a protective order or magistrate's order of emergency protection; and

(2) regardless of whether a protective order or magistrate's order of emergency protection:

(A) has been issued or has been entered into the system with respect to the defendant; or

(B) protects the same person as a condition of bond in an order described by Subsection (m).

(t) Requires DPS to modify DPS statewide law enforcement information system to:

(1) enable the system to accept and maintain detailed information regarding the requirements and status of a condition of bond imposed under this article, including information described by Subsection (r), so that a peace officer may:

(A) easily and quickly search the system by one or more criteria related to the information described by Subsection (r), including the name of the defendant on whom the condition is imposed; and

(B) retrieve the information necessary to enforce the condition of bond or prevent a violation of the condition; and

(2) ensure that a person who accesses the system for the purpose of entering, modifying, or removing information that relates to a condition of bond imposed under this article may add or remove notes regarding the condition, the defendant on whom the condition is imposed, or the person protected by the condition.

SECTION 2. Effective date: September 1, 2019.