

By: White, Bernal, Collier

H.B. No. 3283

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain defendants on bail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.1501 to read as follows:

Art. 17.1501. BAIL SCHEDULE; RELEASE OF DEFENDANT. (a) The judges of the courts trying criminal cases in a county may promulgate a standing order setting out a schedule of suggested bail amounts for any offense over which the courts have jurisdiction under Chapter 4.

(b) A defendant who is charged with an offense for which a bail schedule has been established under Subsection (a) may waive the defendant's right to appear before a magistrate under Article 15.17 and be released from custody on giving bail in the amount required by the schedule.

(c) A defendant who is unable to give bail in the amount required by the schedule may file with the applicable magistrate a sworn affidavit 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. The affidavit must set out sufficient facts to clearly establish that amount, given the totality of the defendant's circumstances.

(d) A defendant who files an affidavit under Subsection (c) is entitled to a hearing before the magistrate on the bail amount.

1 The hearing must be held not later than 48 hours after the charges  
2 were filed against the defendant or 48 hours after the defendant was  
3 arrested, whichever is later. At the hearing, the magistrate shall  
4 consider the facts stated in the affidavit and the rules  
5 established by Article 17.15 and set the defendant's bail. The  
6 magistrate shall issue oral or written findings of fact supporting  
7 the decision.

8 (e) A defendant who has not given bail before the fourth  
9 business day after the date bail is set under this article shall be  
10 taken before the court before whom the case is pending for a hearing  
11 to reconsider the bail amount. At a hearing under this subsection,  
12 the court may adjust the bail, keep the bail as previously set, or  
13 impose any additional conditions of release on bond the court  
14 considers necessary.

15 SECTION 2. The change in law made by this Act applies only  
16 to a person who is arrested on or after the effective date of this  
17 Act. A person arrested before the effective date of this Act is  
18 governed by the law in effect on the date the person was arrested,  
19 and the former law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2019.