

By: Bell of Montgomery

H.B. No. 3849

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of a personal bond or personal
3 bond and pretrial supervision office.

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

5 SECTION 1. The heading to Article 17.42, Code of Criminal
6 Procedure, is amended to read as follows:

7 Art. 17.42. PERSONAL BOND OR PERSONAL BOND AND PRETRIAL
8 SUPERVISION OFFICE.

9 SECTION 2. Section 1, Article 17.42, Code of Criminal
10 Procedure, is amended to read as follows:

11 Sec. 1. Any county, or any judicial district with
12 jurisdiction in more than one county, with the approval of the
13 commissioners court of each county in the district, may establish a
14 personal bond or personal bond and pretrial supervision office to
15 gather and review information about an accused that may have a
16 bearing on whether the accused [~~he~~] will comply with the conditions
17 of a personal bond and report its findings to the court before which
18 the case is pending.

19 SECTION 3. Sections 4(a) and (b), Article 17.42, Code of
20 Criminal Procedure, are amended to read as follows:

21 (a) Except as otherwise provided by this subsection, if a
22 court releases an accused on personal bond on the recommendation of
23 a personal bond or personal bond and pretrial supervision office,
24 the court shall assess a personal bond fee of \$20 or three percent

1 of the amount of the bail fixed for the accused, whichever is
2 greater. The court may waive the fee or assess a lesser fee if good
3 cause is shown. A court that requires a defendant to give a personal
4 bond under Article 45.016 may not assess a personal bond fee under
5 this subsection.

6 (b) Fees collected under this article may be used solely to
7 defray expenses of the personal bond or personal bond and pretrial
8 supervision office, including defraying the expenses of
9 extradition.

10 SECTION 4. Sections 5(a) and (c), Article 17.42, Code of
11 Criminal Procedure, are amended to read as follows:

12 (a) A personal bond or personal bond and pretrial
13 supervision [~~pretrial release~~] office established under this
14 article shall:

15 (1) prepare a record containing information about any
16 accused person identified by case number only who, after review by
17 the office, is released by a court on personal bond before
18 sentencing in a pending case;

19 (2) update the record on a monthly basis; and

20 (3) file a copy of the record with the district or
21 county clerk, as applicable based on court jurisdiction over the
22 categories of offenses addressed in the records, in any county
23 served by the office.

24 (c) This section does not apply to a personal bond or
25 personal bond and pretrial supervision [~~pretrial release~~] office
26 that on January 1, 1995, was operated by a community corrections and
27 supervision department.

1 SECTION 5. Sections 6(a) and (c), Article 17.42, Code of
2 Criminal Procedure, are amended to read as follows:

3 (a) Not later than April 1 of each year, a personal bond or
4 personal bond and pretrial supervision office established under
5 this article shall submit to the commissioners court or district
6 and county judges that established the office an annual report
7 containing information about the operations of the office during
8 the preceding year.

9 (c) This section does not apply to a personal bond or
10 personal bond and pretrial supervision [~~pretrial release~~] office
11 that on January 1, 1995, was operated by a community corrections and
12 supervision department.

13 SECTION 6. Article 17.42, Code of Criminal Procedure, is
14 amended by adding Sections 7 and 8 to read as follows:

15 Sec. 7. (a) The commissioners court of a county that
16 establishes a personal bond and pretrial supervision office or the
17 district and county judges of a judicial district that establishes
18 a personal bond and pretrial supervision office may direct the
19 office to provide the pretrial services a community supervision and
20 corrections department may provide under Section 76.011,
21 Government Code.

22 (b) Except as otherwise provided by this subsection,
23 programs operated by the office under Subsection (a) may include
24 reasonable conditions and monitoring related to the purpose of the
25 programs, including testing for controlled substances and alcohol
26 use. If this subsection conflicts with a more specific provision of
27 another law, the other law prevails.

1 (c) This section does not apply to a personal bond and
2 pretrial supervision office that on January 1, 1995, was operated
3 by a community corrections and supervision department.

4 Sec. 8. (a) The commissioners court of a county that
5 establishes a personal bond and pretrial supervision office or the
6 district and county judges of a judicial district that establishes
7 a personal bond and pretrial supervision office may, as part of the
8 court's or the judges' duties related to pretrial services, direct
9 the office to provide:

10 (1) indigent legal services monitoring, including:

11 (A) assisting defendants in filing applications
12 for indigent legal services;

13 (B) reviewing applications and documentation to
14 assist the court in determining eligibility for indigent legal
15 services; and

16 (C) coordinating with appointed attorneys to
17 ensure sufficient legal services are provided;

18 (2) pretrial rehabilitative services, including:

19 (A) determining what rehabilitative services are
20 available to a defendant;

21 (B) making recommendations to this state, to
22 defense counsel, and to the court on rehabilitative services; and

23 (C) monitoring the placement of defendants in
24 rehabilitative services;

25 (3) coordination of mental health services,
26 including:

27 (A) recommending mental health testing;

1 (B) assisting defense counsel in meeting mental
2 health testing requirements;

3 (C) monitoring compliance with mental health
4 testing dates; and

5 (D) assisting magistrates with mental health
6 orders and testing; and

7 (4) other services as are required to fulfill the
8 goals of pretrial bond supervision.

9 (b) This section does not apply to a personal bond and
10 pretrial supervision office that on January 1, 1995, was operated
11 by a community corrections and supervision department.

12 SECTION 7. Subchapter F, Chapter 411, Government Code, is
13 amended by adding Section 411.14105 to read as follows:

14 Sec. 411.14105. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: PERSONAL BOND OR PERSONAL BOND AND PRETRIAL
16 SUPERVISION OFFICE. (a) In this section, "personal bond or
17 personal bond and pretrial supervision office" means an office
18 established under Article 17.42, Code of Criminal Procedure.

19 (b) The director of a personal bond or personal bond and
20 pretrial supervision office, or an employee of the office
21 authorized by the director, is entitled to obtain from the
22 department criminal history record information maintained by the
23 department that relates to a person who is being considered for
24 personal bond or is receiving services from the office.

25 (c) A person who obtains criminal history record
26 information under Subsection (b) may not release the information to
27 any person except to a judge or magistrate making a bond

1 determination, if the criminal history is relevant to that
2 determination.

3 (d) Notwithstanding Subsection (c), a person who obtains
4 criminal history record information under Subsection (b) may
5 disclose to the subject of the information, the attorney
6 representing the state, or the subject's defense attorney:

7 (1) the date and place of any arrest in the subject's
8 criminal history and the offense for which the subject was
9 arrested; and

10 (2) the associated dispositions.

11 (e) The department may not charge a fee for providing
12 criminal history record information under this section.

13 SECTION 8. This Act takes effect September 1, 2019.