

By: Nevárez

H.B. No. 4751

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the entry into the Texas Crime Information Center of
3 certain information regarding conditions of bond imposed in
4 criminal cases involving family violence.

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

6 SECTION 1. Article 17.49, Code of Criminal Procedure, is
7 amended by adding Subsections (m), (n), (o), (p), (q), (r), (s), and
8 (t) to read as follows:

9 (m) As soon as possible but not later than the next business
10 day after the date the magistrate issues an order imposing a
11 condition of bond or modifying or removing a condition imposed
12 under this article, the magistrate shall send a copy of the order to
13 the chief of police in the municipality where the victim of the
14 offense resides, if the victim resides in a municipality, or to the
15 sheriff of the county where the victim resides, if the victim does
16 not reside in a municipality. The clerk of the court shall send a
17 copy of the order to the victim at the victim's last known address
18 as soon as possible but not later than the next business day after
19 the date the order is issued.

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

24 (o) If an order described by Subsection (m) prohibits a

1 defendant from going to or near a child care facility or school, the
2 magistrate shall send a copy of the order to the applicable child
3 care facility or school.

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

7 (q) If the victim of the offense is not present when an order
8 described by Subsection (m) is issued, the magistrate shall order a
9 peace officer to make a good faith effort to provide notice of the
10 order to the victim within 24 hours by calling the victim's last
11 known phone number.

12 (r) Not later than the third business day after the date of
13 receipt of the copy of an order described by Subsection (m) by the
14 applicable law enforcement agency, the law enforcement agency shall
15 enter the following information into the statewide law enforcement
16 information system maintained by the Department of Public Safety or
17 shall modify or remove that information, as appropriate:

18 (1) the information listed in Section 411.042(b)(6),
19 Government Code, as that information relates to an order issued
20 under this article;

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

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

25 (s) The law enforcement agency shall enter the information
26 described by Subsection (r) into the statewide law enforcement
27 information system maintained by the Department of Public Safety:

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

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

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

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

10 (t) The Department of Public Safety shall modify the
11 department's statewide law enforcement information system to:

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

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

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

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

1 SECTION 2. This Act takes effect September 1, 2019.