

## **BILL ANALYSIS**

C.S.H.B. 766  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, conditions imposed on a defendant's bond are not entered into the Texas Crime Information Center, the law enforcement database maintained by the Department of Public Safety. Oftentimes, conditions imposed for serious or violent offenses restrict the defendant from going near or interacting with the victim or other individuals potentially at risk. Without access to this information, law enforcement is at a disadvantage when confronting individuals who are out on bond, which hinders their ability to protect the vulnerable individuals for whom the conditions are imposed. C.S.H.B. 766 seeks to address this issue by providing for the reporting of this information to the database.

### **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**

C.S.H.B. 766 amends the Code of Criminal Procedure to establish the respective duties of a magistrate, sheriff, and court clerk relating to a court order that imposes a condition of bond in a criminal case involving a violent offense, as defined by the bill, and the subsequent entry of certain information regarding such an order into the database known as the Texas Crime Information Center (TCIC). With respect to such an order and those respective duties:

- the issuing magistrate must notify the sheriff of the condition of bond and provide the sheriff with the following information not later than the next day after the date the magistrate issues the order:
  - certain personal and identifying information about the bonded person;
  - the name and address of any named person the condition of bond is intended to protect and, if different and applicable, the name and address of the victim of the alleged offense;
  - the date the order releasing the defendant on bond was issued; and
  - the court that issued the order releasing the defendant on bond;
- the sheriff must take the following actions not later than the next business day after the date the sheriff receives the information:
  - enter the information into TCIC; and
  - make a good faith effort to notify by telephone any such named person and, if different and applicable, the victim of the alleged offense that the defendant to whom the order is directed has been released on bond; and

- the court clerk must send a copy of the order to the named person and victim, if applicable, at the person's last known address not later than the next business day after the date the court issues the order.

If a magistrate revokes a bond that contains a condition, modifies the terms of or removes a condition of bond, or disposes of the underlying criminal charges:

- the magistrate must notify and provide the sheriff, not later than the next day after the magistrate's action, sufficient information to update TCIC accordingly; and
- the sheriff must modify or remove the appropriate record in TCIC not later than the next business day after the date the sheriff receives the information.

C.S.H.B. 766, effective September 1, 2021, requires the Department of Public Safety (DPS), not later than December 31, 2021, to modify TCIC to enable it to accept and maintain detailed information on active conditions of bond regarding the requirements and status of a condition of bond imposed by a magistrate for a violent offense, including the information required by the bill. The bill requires DPS to develop and adopt a form for use by magistrates and sheriffs to facilitate the data collection and entry required by the bill. The bill's provisions do not create liability for any errors or omissions of a sheriff caused by inaccurate information provided to the sheriff by a magistrate.

### **EFFECTIVE DATE**

Except as otherwise provided, January 1, 2022.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 766 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the deadline by which the sheriff must comply with the bill's requirements on receipt of the information from the next day after the sheriff receives the information to the next business day after the sheriff receives the information.

The substitute includes a provision clarifying that the sheriff is not liable for any errors or omissions caused by inaccurate information provided to the sheriff by the magistrate.