

BILL ANALYSIS

S.B. 343
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law and practice, conditions imposed on the bond of a defendant charged with an offense involving family violence are not entered into the Texas Crime Information Center, the state's law enforcement computer network. In most instances these conditions are imposed to protect a family member or another person, and without access to information on these conditions, law enforcement may be left in the dark when confronting an individual who is out on bond and may fail to protect those for whom the conditions were initially imposed. Further, prosecutors, judges, and victims have reported that law enforcement have difficulty in verifying conditions of bond immediately after a violation is committed and that in many cases a victim may not even be made aware when conditions are placed for their protection. There have been too many cases where a person released on a conditional bond returned to the home to harm or kill their domestic partner that may have been prevented through a proper notification process. S.B. 343 seeks to address this issue by requiring certain notification of an order imposing a condition of bond, or modifying or removing such a condition, on a defendant charged with an offense involving family violence and the entry of related information into the Texas Crime Information Center.

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

S.B. 343 amends the Code of Criminal Procedure to require a magistrate who issues an order imposing a condition of bond, or modifying or removing such a condition, on a defendant charged with an offense involving family violence, to send a copy of the order, as soon as possible but not later than the next business day after issuance, to the appropriate attorney representing the state and either to the applicable municipal chief of police or county sheriff, depending on whether the victim resides in a municipality. The bill 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 issuance. The bill authorizes a magistrate or clerk of the court to delay sending a copy of the order if the magistrate or clerk lacks information necessary to ensure service and enforcement. If the order issued by the magistrate prohibits the defendant from going to or near a child care facility or school, the magistrate must also send a copy of the order to the applicable facility or school. The bill authorizes a copy of the order and any related information that is required to be sent to be sent electronically or in another manner that can be accessed by the recipient. If the victim of the offense is not present when the order is

issued, the magistrate is required 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.

S.B. 343 requires an applicable law enforcement agency that receives a copy of an order under the bill's provisions, not later than the third business day after the date of receipt, to enter certain related information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS) or to modify or remove that information, as appropriate. The bill sets out requirements regarding an agency's duty to enter that information into the system and requires DPS to modify the system to do the following:

- enable the system to accept and maintain detailed information regarding the requirements and status of a condition of bond imposed on a defendant charged with an offense involving family violence so that a peace officer may:
 - easily and quickly search the system by one or more criteria related to the applicable information, including the name of the defendant on whom the condition is imposed; and
 - retrieve the information necessary to enforce the condition of bond or prevent a violation of the condition; and
- ensure that a person who accesses the system for the purpose of entering, modifying, or removing information that relates to a condition of a bond imposed on such a defendant may add or remove notes regarding the condition, the defendant on whom the condition is imposed, or the person protected by the condition.

EFFECTIVE DATE

September 1, 2021.