

## **BILL ANALYSIS**

Senate Research Center  
87R2718 MAW-F

S.B. 495  
By: Kolkhorst  
Jurisprudence  
3/12/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Criminal justice reforms in recent years have led to an increase in offenders released on bail and personal bond. These measures have focused on offenders and have not necessarily sought to balance and take into account the public safety needs of victims. The Texas Constitution and the Code of Criminal Procedure grant victims in Texas with specific rights within the criminal justice system.

One of the rights enumerated within the Code of Criminal Procedure provides for the magistrate to consider the safety of the victim or the victim's family in setting the amount of bail. However, absent from this provision is the right granting the victim be informed of the amount of bail set for the defendant or requesting the amount of bail be adjusted as necessary to protect the victim or the victim's family. Furthermore, this provision requires the victim to request, rather than be informed of, relevant court proceedings and to be informed by a peace officer regarding the defendant's right to bail.

In an effort to ensure that victims' rights are considered within the criminal justice system, S.B. 495 enhances the rights of victims enumerated in the Code of Criminal Procedure to ensure that victims are informed of the amount of bail set for the defendant and have the right to request the amount of bail be adjusted to ensure the safety of victims. S.B. 495 also removes the provision that victims must request, rather than be informed of, relevant court proceedings and be informed by a peace officer regarding the defendant's right to bail.

As proposed, S.B. 495 amends current law relating to certain rights of crime victims.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 56A.051(a), Code of Criminal Procedure, to entitle a victim, guardian of a victim, or close relative of a deceased victim the right, within the criminal justice system, to be informed of the amount of bail set for the defendant, and to request the amount of bail be adjusted as necessary to ensure the safety of the victim or the victim's family. Deletes existing text limiting the right of a victim, guardian of a victim, or close relative of a deceased victim to be informed by the attorney representing the state of relevant court proceedings, and to be informed if those proceedings have been canceled or rescheduled, and the right to be informed by a peace officer or the office of the attorney representing the state about certain relevant information to only when or if requested.

SECTION 2. Effective date: September 1, 2021.