87R16356 JCG-F

By:  Harless H.B. No. 766

Substitute the following for H.B. No. 766:

By:  Morales of Maverick C.S.H.B. No. 766

A BILL TO BE ENTITLED

AN ACT

relating to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense.

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

SECTION 1.  Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.50 to read as follows:

Art. 17.50.  ENTRY INTO TEXAS CRIME INFORMATION CENTER OF CERTAIN INFORMATION IN CASES INVOLVING VIOLENT OFFENSES; DUTIES OF MAGISTRATES, SHERIFFS, AND DEPARTMENT OF PUBLIC SAFETY. (a) In this article:

(1)  "Business day" means a day other than a Saturday, Sunday, or state or national holiday.

(2)  "Database" means the statewide law enforcement information system maintained by the Department of Public Safety, also known as the Texas Crime Information Center.

(3)  "Violent offense" means:

(A)  an offense under the following sections of the Penal Code:

(i)  Section 19.02 (murder);

(ii)  Section 19.03 (capital murder);

(iii)  Section 20.03 (kidnapping);

(iv)  Section 20.04 (aggravated kidnapping);

(v)  Section 21.11 (indecency with a child);

(vi)  Section 22.011 (sexual assault);

(vii)  Section 22.02 (aggravated assault);

(viii)  Section 22.021 (aggravated sexual assault);

(ix)  Section 22.04 (injury to a child, elderly individual, or disabled individual);

(x)  Section 29.03 (aggravated robbery);

(xi)  Section 21.02 (continuous sexual abuse of young child or children); or

(xii)  Section 20A.03 (continuous trafficking of persons); or

(B)  any offense involving family violence, as defined by Section 71.004, Family Code.

(b)  As soon as practicable but not later than the next day after the date a magistrate issues an order imposing a condition of bond on a defendant under this chapter for a violent offense, the magistrate shall notify the sheriff of the condition and provide to the sheriff the following information:

(1)  the information listed in Section 411.042(b)(6), Government Code, as that information relates to an order described by this subsection;

(2)  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;

(3)  the date the order releasing the defendant on bond was issued; and

(4)  the court that issued the order releasing the defendant on bond.

(c)  As soon as practicable but not later than the next day after the date a magistrate, in a case described by Subsection (b), 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 shall notify the sheriff and provide the sheriff with information that is sufficient to enable the sheriff to modify or remove the appropriate record in the database.

(d)  As soon as practicable but not later than the next business day after the date the sheriff receives the information:

(1)  described by Subsection (b), the sheriff shall:

(A)  enter the information into the database; and

(B)  make a good faith effort to notify by telephone any named person the condition of bond is intended to protect, 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

(2)  described by Subsection (c), the sheriff shall modify or remove the appropriate record in the database.

(e)  The clerk of a court that issues an order described by Subsection (b) shall send a copy of the order to any named person the condition of bond is intended to protect, and if different and applicable, the victim of the alleged offense at the person's last known address not later than the next business day after the date the court issues the order.

(f)  The Department of Public Safety shall:

(1)  modify the database to enable the database 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 information described by Subsections (b) and (c); and

(2)  develop and adopt a form for use by magistrates and sheriffs to facilitate the data collection and data entry required by this article.

(g)  This article does not create liability for any errors or omissions of a sheriff caused by inaccurate information provided under this article to the sheriff by a magistrate.

SECTION 2.  Not later than December 31, 2021, the Department of Public Safety of the State of Texas shall modify the statewide law enforcement information system maintained by the department, also known as the Texas Crime Information Center, to enable the database to accept and maintain detailed information regarding the requirements and status of an active condition of bond imposed by a magistrate for a violent offense, as required by Article 17.50(f), Code of Criminal Procedure, as added by this Act.

SECTION 3.  (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2022.

(b)  Section 2 of this Act takes effect September 1, 2021.