By:  Leman, et al. (Senate Sponsor - Huffman) H.B. No. 1005

(In the Senate - Received from the House April 27, 2021; May 6, 2021, read first time and referred to Committee on Jurisprudence; May 14, 2021, reported favorably by the following vote: Yeas 4, Nays 0; May 14, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Huffman           X

Hinojosa             X

Creighton                     X

Hughes               X

Johnson              X

A BILL TO BE ENTITLED

AN ACT

relating to the requisites of a bail bond given by certain defendants and to conditions of release on bond for certain defendants.

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

SECTION 1.  Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.081 to read as follows:

Art. 17.081.  ADDITIONAL REQUISITES OF BAIL BOND GIVEN BY CERTAIN DEFENDANTS. In addition to the requirements of Article 17.08, a bail bond for a defendant charged with an offense under Section 20A.02, 20A.03, 43.02, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code, must include the address, identification number, and state of issuance as shown on a valid driver's license or identification card for the defendant and any surety, including any agent executing the bail bond on behalf of a corporation acting as surety.

SECTION 2.  Article 17.41(a), Code of Criminal Procedure, is amended to read as follows:

(a)  This article applies to a defendant charged with an offense under any of the following provisions of the Penal Code, if committed against a child younger than 18 [~~14~~] years of age:

(1)  Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), [~~or~~] 22 (Assaultive Offenses), or 43 (Public Indecency); or

(2)  Section 25.02 (Prohibited Sexual Conduct) [~~; or~~

[~~(3) Section 43.25 (Sexual Performance by a Child)~~].

SECTION 3.  Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.465 to read as follows:

Art. 17.465.  CONDITIONS FOR DEFENDANT CHARGED WITH CERTAIN TRAFFICKING OR PROSTITUTION RELATED OFFENSES INVOLVING ADULT VICTIMS. (a) This article does not apply with respect to a defendant to whom Article 17.41 applies.

(b)  A magistrate shall require as a condition of release on bond that a defendant charged with an offense under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code, committed against a person 18 years of age or older may not:

(1)  communicate directly or indirectly with the victim; or

(2)  go to or near:

(A)  the residence, place of employment, or business of the victim; or

(B)  if applicable, a school, day-care facility, or similar facility where a dependent child of the victim is in attendance.

(c)  The magistrate shall specifically describe the prohibited locations under Subsection (b)(2) and the minimum distances, if any, that the defendant must maintain from the locations.

(d)  At a hearing limited to determining whether the defendant violated a condition of bond imposed under Subsection (b), the magistrate may revoke the defendant's bond only if the magistrate finds by a preponderance of the evidence that the violation occurred. If the magistrate finds that the violation occurred, the magistrate shall revoke the defendant's bond and order that the defendant be immediately returned to custody. Once the defendant is placed in custody, the revocation of the defendant's bond discharges the sureties on the bond, if any, from any future liability on the bond. A discharge under this subsection from any future liability on the bond does not discharge any surety from liability for previous forfeitures on the bond.

SECTION 4.  Article 17.081, Code of Criminal Procedure, as added by this Act, applies only to a bail bond that is executed on or after the effective date of this Act. A bail bond executed before the effective date of this Act is governed by the law in effect on the date the bail bond was executed, and the former law is continued in effect for that purpose.

SECTION 5.  Article 17.41(a), Code of Criminal Procedure, as amended by this Act, and Article 17.465, Code of Criminal Procedure, as added by this Act, apply only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

SECTION 6.  This Act takes effect September 1, 2021.

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