

By: Harless, Martinez Fischer, Moody, Raney

H.B. No. 766

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

17 (3) "Violent offense" means:

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

20 (i) Section 19.02 (murder);

21 (ii) Section 19.03 (capital murder);

22 (iii) Section 20.03 (kidnapping);

23 (iv) Section 20.04 (aggravated
24 kidnapping);

1 (v) Section 21.11 (indecenty with a child);
2 (vi) Section 22.011 (sexual assault);
3 (vii) Section 22.02 (aggravated assault);
4 (viii) Section 22.021 (aggravated sexual
5 assault);

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

8 (x) Section 29.03 (aggravated robbery);

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

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

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

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

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

23 (2) the name and address of any named person the
24 condition of bond is intended to protect, and if different and
25 applicable, the name and address of the victim of the alleged
26 offense;

27 (3) the date the order releasing the defendant on bond

1 was issued; and

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

4 (c) As soon as practicable but not later than the next day
5 after the date a magistrate, in a case described by Subsection (b),
6 revokes a bond that contains a condition, modifies the terms of or
7 removes a condition of bond, or disposes of the underlying criminal
8 charges, the magistrate shall notify the sheriff and provide the
9 sheriff with information that is sufficient to enable the sheriff
10 to modify or remove the appropriate record in the database.

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

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

14 (A) enter the information into the database; and

15 (B) make a good faith effort to notify by
16 telephone any named person the condition of bond is intended to
17 protect, and if different and applicable, the victim of the alleged
18 offense that the defendant to whom the order is directed has been
19 released on bond; and

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

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

1 (f) The Department of Public Safety shall:

2 (1) modify the database to enable the database to
3 accept and maintain detailed information on active conditions of
4 bond regarding the requirements and status of a condition of bond
5 imposed by a magistrate for a violent offense, including
6 information described by Subsections (b) and (c); and

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

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

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

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

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