

1-1 By: Harless, et al. (Senate Sponsor - Kolkhorst) H.B. No. 766
 1-2 (In the Senate - Received from the House April 13, 2021;
 1-3 April 14, 2021, read first time and referred to Committee on
 1-4 Jurisprudence; May 14, 2021, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the entry into the Texas Crime Information Center of
 1-16 certain information regarding orders imposing a condition of bond
 1-17 in a criminal case involving a violent offense.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Chapter 17, Code of Criminal Procedure, is
 1-20 amended by adding Article 17.50 to read as follows:

1-21 Art. 17.50. ENTRY INTO TEXAS CRIME INFORMATION CENTER OF
 1-22 CERTAIN INFORMATION IN CASES INVOLVING VIOLENT OFFENSES; DUTIES OF
 1-23 MAGISTRATES, SHERIFFS, AND DEPARTMENT OF PUBLIC SAFETY. (a) In
 1-24 this article:

1-25 (1) "Business day" means a day other than a Saturday,
 1-26 Sunday, or state or national holiday.

1-27 (2) "Database" means the statewide law enforcement
 1-28 information system maintained by the Department of Public Safety,
 1-29 also known as the Texas Crime Information Center.

1-30 (3) "Violent offense" means:

1-31 (A) an offense under the following sections of
 1-32 the Penal Code:

1-33 (i) Section 19.02 (murder);

1-34 (ii) Section 19.03 (capital murder);

1-35 (iii) Section 20.03 (kidnapping);

1-36 (iv) Section 20.04 (aggravated
 1-37 kidnapping);

1-38 (v) Section 21.11 (indecent with a child);

1-39 (vi) Section 22.011 (sexual assault);

1-40 (vii) Section 22.02 (aggravated assault);

1-41 (viii) Section 22.021 (aggravated sexual
 1-42 assault);

1-43 (ix) Section 22.04 (injury to a child,
 1-44 elderly individual, or disabled individual);

1-45 (x) Section 29.03 (aggravated robbery);

1-46 (xi) Section 21.02 (continuous sexual abuse
 1-47 of young child or children); or

1-48 (xii) Section 20A.03 (continuous
 1-49 trafficking of persons); or

1-50 (B) any offense involving family violence, as
 1-51 defined by Section 71.004, Family Code.

1-52 (b) As soon as practicable but not later than the next day
 1-53 after the date a magistrate issues an order imposing a condition of
 1-54 bond on a defendant under this chapter for a violent offense, the
 1-55 magistrate shall notify the sheriff of the condition and provide to
 1-56 the sheriff the following information:

1-57 (1) the information listed in Section 411.042(b)(6),
 1-58 Government Code, as that information relates to an order described
 1-59 by this subsection;

1-60 (2) the name and address of any named person the
 1-61 condition of bond is intended to protect, and if different and

2-1 applicable, the name and address of the victim of the alleged
2-2 offense;

2-3 (3) the date the order releasing the defendant on bond
2-4 was issued; and

2-5 (4) the court that issued the order releasing the
2-6 defendant on bond.

2-7 (c) As soon as practicable but not later than the next day
2-8 after the date a magistrate, in a case described by Subsection (b),
2-9 revokes a bond that contains a condition, modifies the terms of or
2-10 removes a condition of bond, or disposes of the underlying criminal
2-11 charges, the magistrate shall notify the sheriff and provide the
2-12 sheriff with information that is sufficient to enable the sheriff
2-13 to modify or remove the appropriate record in the database.

2-14 (d) As soon as practicable but not later than the next
2-15 business day after the date the sheriff receives the information:

2-16 (1) described by Subsection (b), the sheriff shall:

2-17 (A) enter the information into the database; and

2-18 (B) make a good faith effort to notify by
2-19 telephone any named person the condition of bond is intended to
2-20 protect, and if different and applicable, the victim of the alleged
2-21 offense that the defendant to whom the order is directed has been
2-22 released on bond; and

2-23 (2) described by Subsection (c), the sheriff shall
2-24 modify or remove the appropriate record in the database.

2-25 (e) The clerk of a court that issues an order described by
2-26 Subsection (b) shall send a copy of the order to any named person
2-27 the condition of bond is intended to protect, and if different and
2-28 applicable, the victim of the alleged offense at the person's last
2-29 known address not later than the next business day after the date
2-30 the court issues the order.

2-31 (f) The Department of Public Safety shall:

2-32 (1) modify the database to enable the database to
2-33 accept and maintain detailed information on active conditions of
2-34 bond regarding the requirements and status of a condition of bond
2-35 imposed by a magistrate for a violent offense, including
2-36 information described by Subsections (b) and (c); and

2-37 (2) develop and adopt a form for use by magistrates and
2-38 sheriffs to facilitate the data collection and data entry required
2-39 by this article.

2-40 (g) This article does not create liability for any errors or
2-41 omissions of a sheriff caused by inaccurate information provided
2-42 under this article to the sheriff by a magistrate.

2-43 SECTION 2. Not later than December 31, 2021, the Department
2-44 of Public Safety of the State of Texas shall modify the statewide
2-45 law enforcement information system maintained by the department,
2-46 also known as the Texas Crime Information Center, to enable the
2-47 database to accept and maintain detailed information regarding the
2-48 requirements and status of an active condition of bond imposed by a
2-49 magistrate for a violent offense, as required by Article 17.50(f),
2-50 Code of Criminal Procedure, as added by this Act.

2-51 SECTION 3. (a) Except as provided by Subsection (b) of this
2-52 section, this Act takes effect January 1, 2022.

2-53 (b) Section 2 of this Act takes effect September 1, 2021.

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