

By: Kolkhorst, et al.

S.B. No. 343

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the entry into the Texas Crime Information Center of
3 certain information regarding conditions of bond imposed in
4 criminal cases involving family violence.

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

6 SECTION 1. Article 17.49, Code of Criminal Procedure, is
7 amended by adding Subsections (m), (n), (o), (p), (q), (r), (s), and
8 (t) to read as follows:

9 (m) As soon as possible but not later than the next business
10 day after the date the magistrate issues an order imposing a
11 condition of bond or modifying or removing a condition imposed
12 under this article, the magistrate shall send a copy of the order to
13 the appropriate attorney representing the state and either to the
14 chief of police in the municipality where the victim of the offense
15 resides, if the victim resides in a municipality, or to the sheriff
16 of the county where the victim resides, if the victim does not
17 reside in a municipality. The clerk of the court shall send a copy
18 of the order to the victim at the victim's last known address as
19 soon as possible but not later than the next business day after the
20 date the order is issued.

21 (n) A magistrate or clerk of the court may delay sending a
22 copy of the order under Subsection (m) only if the magistrate or
23 clerk lacks information necessary to ensure service and
24 enforcement.

1 (o) If an order described by Subsection (m) prohibits a
2 defendant from going to or near a child care facility or school, the
3 magistrate shall send a copy of the order to the applicable child
4 care facility or school.

5 (p) The copy of the order and any related information may be
6 sent under Subsection (m) or (o) electronically or in another
7 manner that can be accessed by the recipient.

8 (q) If the victim of the offense is not present when an order
9 described by Subsection (m) is issued, the magistrate shall order a
10 peace officer to make a good faith effort to provide notice of the
11 order to the victim within 24 hours by calling the victim's last
12 known phone number.

13 (r) Not later than the third business day after the date of
14 receipt of the copy of an order described by Subsection (m) by the
15 applicable law enforcement agency, the law enforcement agency shall
16 enter the following information into the statewide law enforcement
17 information system maintained by the Department of Public Safety or
18 shall modify or remove that information, as appropriate:

19 (1) the information listed in Section 411.042(b)(6),
20 Government Code, as that information relates to an order issued
21 under this article;

22 (2) the date the order releasing the defendant on bond
23 was issued; and

24 (3) the court that issued the order releasing the
25 defendant on bond.

26 (s) The law enforcement agency shall enter the information
27 described by Subsection (r) into the statewide law enforcement

1 information system maintained by the Department of Public Safety:

2 (1) in the same manner that the agency enters the
3 information into the system for a protective order or magistrate's
4 order of emergency protection; and

5 (2) regardless of whether a protective order or
6 magistrate's order of emergency protection:

7 (A) has been issued or has been entered into the
8 system with respect to the defendant; or

9 (B) protects the same person as a condition of
10 bond in an order described by Subsection (m).

11 (t) The Department of Public Safety shall modify the
12 department's statewide law enforcement information system to:

13 (1) enable the system to accept and maintain detailed
14 information regarding the requirements and status of a condition of
15 bond imposed under this article, including information described by
16 Subsection (r), so that a peace officer may:

17 (A) easily and quickly search the system by one
18 or more criteria related to the information described by Subsection
19 (r), including the name of the defendant on whom the condition is
20 imposed; and

21 (B) retrieve the information necessary to
22 enforce the condition of bond or prevent a violation of the
23 condition; and

24 (2) ensure that a person who accesses the system for
25 the purpose of entering, modifying, or removing information that
26 relates to a condition of bond imposed under this article may add or
27 remove notes regarding the condition, the defendant on whom the

1 condition is imposed, or the person protected by the condition.

2 SECTION 2. This Act takes effect September 1, 2021.