

By: Gutierrez

S.B. No. 990

A BILL TO BE ENTITLED

AN ACT

relating to a notice and hearing requirement for a change in the bail amount for certain defendants.

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

SECTION 1. Section 3, Article 17.09, Code of Criminal Procedure, is amended to read as follows:

Sec. 3. Provided that whenever, during the course of the action, the judge or magistrate in whose court the ~~[such]~~ action is pending finds that the bond is defective, excessive or insufficient in amount, or that the sureties, if any, are not acceptable, or for any other good and sufficient cause, the ~~[such]~~ judge or magistrate may, ~~[either]~~ in term-time or ~~[in]~~ vacation and in accordance with Article 17.091 if applicable, order the defendant ~~[accused]~~ to be rearrested, and require the defendant ~~[accused]~~ to give another bond in an ~~[such]~~ amount as the judge or magistrate considers ~~[may deem]~~ proper. When the ~~[such]~~ bond is ~~[so]~~ given and approved, the defendant shall be released from custody.

SECTION 2. Article 17.091, Code of Criminal Procedure, is amended to read as follows:

Art. 17.091. NOTICE OF CERTAIN BAIL CHANGES ~~[REDUCTIONS]~~ REQUIRED. Before a judge or magistrate makes any change in ~~[reduces]~~ the amount of bail set for a defendant charged with an offense listed in Article 42A.054, an offense described by Article 62.001(5), or an offense under Section 20A.03, Penal Code, the

1 judge or magistrate shall provide:

2 (1) to the attorney representing the state and to the
3 defendant or the defendant's counsel, reasonable notice of the
4 proposed change [~~bail reduction~~]; and

5 (2) on request of the attorney representing the state
6 or of the defendant or the defendant's counsel, an opportunity for a
7 hearing concerning the proposed change [~~bail reduction~~].

8 SECTION 3. This Act takes effect September 1, 2021.