

SENATE AMENDMENTS

2nd Printing

By: Murr, et al.

H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to the release of defendants on bail.

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

SECTION 1. This Act may be cited as the Damon Allen Act.

SECTION 2. Article 1.07, Code of Criminal Procedure, is amended to read as follows:

Art. 1.07. RIGHT TO BAIL. Except as provided by this article or by Chapter 17, any person ~~[All prisoners]~~ shall be eligible for bail ~~[bailable]~~ unless denial of bail is expressly permitted by the Texas Constitution ~~[for capital offenses when the proof is evident]~~. This provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

SECTION 3. Chapter 17, Code of Criminal Procedure, is amended by adding Articles 17.021, 17.022, 17.023, 17.024, and 17.028 to read as follows:

Art. 17.021. PUBLIC SAFETY REPORT SYSTEM. (a) The Office of Court Administration of the Texas Judicial System shall develop and maintain a validated public safety report system that is standardized for statewide use, that is available for use for purposes of Article 17.15, and that:

(1) is objective, validated for its intended use, and standardized;

(2) is based on an analysis of empirical data and

1 factors relevant to:

2 (A) the likelihood of a defendant intentionally
3 failing to appear in court as required; and

4 (B) the safety of the community, law enforcement,
5 and the victim of the alleged offense if the defendant is released;

6 (3) does not consider factors that disproportionately
7 affect persons who are members of racial or ethnic minority groups
8 or who are socioeconomically disadvantaged;

9 (4) has been demonstrated to produce results that are
10 unbiased with respect to the race or ethnicity of defendants and
11 does not produce a disproportionate outcome; and

12 (5) is designed to function in a transparent manner
13 with respect to the public and each defendant with respect to whom a
14 public safety report is prepared.

15 (b) The office shall provide access to the public safety
16 report system to the appropriate officials in each county at no
17 cost. This subsection may not be construed to require the office to
18 provide a county official or magistrate with any equipment or
19 support related to accessing or using the public safety report
20 system.

21 (c) The office shall collect data relating to the use and
22 efficiency of the public safety report system. The office shall
23 consider that data, along with other relevant information, and
24 shall, not later than November 1 of each even-numbered year, make
25 appropriate changes or updates to the public safety report system
26 to ensure compliance with this article. Not later than December 1
27 of each even-numbered year, the office shall submit a report

1 containing the data collected and describing any changes or updates
2 made to the public safety report system to the governor, the
3 lieutenant governor, the speaker of the house of representatives,
4 and the presiding officers of the standing committees of each house
5 of the legislature with jurisdiction over the judiciary.

6 (d) The office shall create and post on the office's public
7 Internet website a sample result that could occur through the use of
8 the public safety report system and shall include an explanation of
9 the data used for preparing a public safety report.

10 Art. 17.022. PUBLIC SAFETY REPORT. (a) A magistrate
11 considering the release on bail of a defendant charged with an
12 offense punishable as a Class B misdemeanor or any higher category
13 of offense shall order that:

14 (1) the personal bond office established under Article
15 17.42 for the county in which the defendant is being detained, or
16 other suitably trained person, use the validated public safety
17 report system developed under Article 17.021 to prepare a public
18 safety report, or another public safety report approved by the
19 Office of Court Administration of the Texas Judicial System, with
20 respect to the defendant; and

21 (2) the public safety report prepared under
22 Subdivision (1) be provided to the magistrate as soon as
23 practicable but not later than 48 hours after the defendant's
24 arrest.

25 (b) A magistrate may not, without the consent of the
26 sheriff, order a sheriff or sheriff's department personnel to
27 prepare a public safety report under Subsection (a).

1 (c) Notwithstanding Subsection (a), a magistrate may
2 personally prepare a public safety report before or while making a
3 bail decision using the validated public safety report system
4 developed under Article 17.021.

5 (d) The magistrate shall consider the public safety report
6 before making a bail decision.

7 Art. 17.023. AUTHORITY TO RELEASE ON BAIL IN CERTAIN CASES.

8 (a) This article applies only to a defendant charged with an
9 offense that is:

10 (1) punishable as a felony; or

11 (2) a misdemeanor punishable by confinement.

12 (b) Notwithstanding any other law, a defendant to whom this
13 article applies may be released on bail only by a magistrate who is:

14 (1) a resident of this state and one of the counties
15 served by the magistrate; and

16 (2) in compliance with the training requirements of
17 Article 17.024.

18 (c) A magistrate is not eligible to release on bail a
19 defendant described by Subsection (a) if the magistrate:

20 (1) has been removed from office by impeachment, by
21 the supreme court, by the governor on address to the legislature, by
22 a tribunal reviewing a recommendation of the State Commission on
23 Judicial Conduct, or by the legislature's abolition of the
24 magistrate's court; or

25 (2) has resigned from office after having received
26 notice that formal proceedings by the State Commission on Judicial
27 Conduct have been instituted as provided by Section 33.022,

1 Government Code, and before final disposition of the proceedings.

2 Art. 17.024. TRAINING ON DUTIES REGARDING BAIL. (a) The
3 Office of Court Administration of the Texas Judicial System shall,
4 in consultation with the court of criminal appeals, develop or
5 approve training courses regarding a magistrate's duties,
6 including duties under Article 17.022 and duties with respect to
7 setting bail in criminal cases. The courses developed must
8 include:

9 (1) a 16-hour initial training course; and

10 (2) a four-hour continuing education course.

11 (b) The office shall provide for a method of certifying that
12 a magistrate has successfully completed a training course required
13 under this article and has demonstrated competency of the course
14 content in a manner acceptable to the office.

15 (c) A magistrate is in compliance with the training
16 requirements of this article if:

17 (1) not later than the 90th day after the date the
18 magistrate takes office, the magistrate successfully completes the
19 course described by Subsection (a)(1);

20 (2) the magistrate successfully completes the course
21 described by Subsection (a)(2) in each subsequent state fiscal
22 biennium in which the magistrate serves; and

23 (3) the magistrate demonstrates competency in a manner
24 acceptable to the office.

25 (c-1) Notwithstanding Subsection (c), a magistrate who is
26 serving on December 1, 2021, is considered to be in compliance with
27 Subsection (c)(1) if the magistrate successfully completes the

training course not later than June 1, 2022. This subsection expires January 1, 2023.

(d) Any course developed or approved by the office under this article may be administered by the Texas Justice Court Training Center, the Texas Municipal Courts Education Center, the Texas Association of Counties, the Texas Center for the Judiciary, or a similar entity.

Art. 17.028. BAIL DECISION. (a) Without unnecessary delay but not later than 48 hours after a defendant is arrested, a magistrate shall order, after individualized consideration of all circumstances and of the factors required by Article 17.15, that the defendant be:

(1) granted personal bond with or without conditions;

(2) granted monetary bond with or without conditions;

or

(3) denied bail in accordance with the Texas Constitution and other law.

(b) In making a bail decision under this article, the magistrate shall impose, as applicable, the least restrictive conditions, if any, and minimum amount of bail, if any, whether personal bond or monetary bond, necessary to reasonably ensure the defendant's appearance in court as required and the safety of the community, law enforcement, and the victim of the alleged offense.

(c) In each criminal case, unless specifically provided by other law, there is a rebuttable presumption that bail, conditions of release, or both bail and conditions of release are sufficient to reasonably ensure the defendant's appearance in court as required

1 and the safety of the community, law enforcement, and the victim of
2 the alleged offense. For purposes of setting bail or rebutting the
3 presumption, the court is not required to hold an evidentiary
4 hearing.

5 (d) A judge may not adopt a bail schedule or enter a standing
6 order related to bail that:

7 (1) is inconsistent with this article; or

8 (2) authorizes a magistrate to make a bail decision
9 for a defendant without considering the factors in Article 17.15.

10 (e) A defendant who is denied bail or who is unable to give
11 bail in the amount required by any bail schedule or standing order
12 related to bail shall be provided with the warnings described by
13 Article 15.17.

14 (f) A defendant who is unable to give bail in an amount
15 required by any bail schedule or standing order related to bail may
16 file with the applicable magistrate a sworn affidavit declaring the
17 maximum amount that the defendant would be able to pay or provide as
18 security within 24 hours of arrest for purposes of obtaining a bail
19 bond. The affidavit must set out sufficient facts to clearly
20 establish that amount, given the totality of the defendant's
21 circumstances.

22 (g) A defendant who files an affidavit under Subsection (f)
23 is entitled to a hearing before the magistrate on the bail amount.
24 At the hearing or a review, the magistrate shall consider the facts
25 stated in the affidavit and the rules established by Article 17.15
26 and set the defendant's bail. The magistrate may deviate from any
27 bail schedule or standing order related to bail in setting a

defendant's bail under this subsection. The magistrate shall issue oral or written findings of fact supporting the decision.

(h) This article does not prohibit a sheriff or other peace officer, or a jailer licensed under Chapter 1701, Occupations Code, from accepting bail under Article 17.20 or 17.22 before a public safety report has been prepared with respect to the defendant or before a bail decision has been made by a magistrate under this article.

(i) In making a bail decision under this article, a magistrate may direct either of the following to monitor the defendant's compliance with a condition of bond set by the magistrate:

(1) the personal bond office established under Article 17.42 for the county in which the defendant is being detained; or

(2) the community supervision and corrections department established under Section 76.002, Government Code, for the county in which the defendant is being detained.

SECTION 4. Article 17.03, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

(b) Only the court before whom the case is pending may release on personal bond a defendant who:

(1) is charged with an offense under the following sections of the Penal Code:

(A) ~~[Section 19.03 (Capital Murder),~~

~~[(B)]~~ Section 20.04 (Aggravated Kidnapping);

(B) [(C) Section 22.021 (Aggravated Sexual

1 ~~Assault);~~

2 ~~[(D) Section 22.03 (Deadly Assault on Law~~
3 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~
4 ~~Pardons and Paroles, or Court Participant);~~

5 ~~[(E)]~~ Section 22.04 (Injury to a Child, Elderly
6 Individual, or Disabled Individual);

7 (C) ~~[(F)]~~ Section 29.03 (Aggravated Robbery);

8 (D) ~~[(G)]~~ Section 30.02 (Burglary); or

9 (E) ~~[(H)]~~ Section 71.02 (Engaging in Organized
10 Criminal Activity);

11 ~~[(I) Section 21.02 (Continuous Sexual Abuse of~~
12 ~~Young Child or Children); or~~

13 ~~[(J) Section 20A.03 (Continuous Trafficking of~~
14 ~~Persons);]~~

15 (2) is charged with a felony under Chapter 481, Health
16 and Safety Code, or Section 485.033, Health and Safety Code,
17 punishable by imprisonment for a minimum term or by a maximum fine
18 that is more than a minimum term or maximum fine for a first degree
19 felony; or

20 (3) does not submit to testing for the presence of a
21 controlled substance in the defendant's body as requested by the
22 court or magistrate under Subsection (c) of this article or submits
23 to testing and the test shows evidence of the presence of a
24 controlled substance in the defendant's body.

25 (b-2) Notwithstanding any other law, a defendant may not be
26 released on personal bond if the defendant is charged with an
27 offense under the following provisions of the Penal Code:

- (1) Section 19.02 (Murder);
- (2) Section 19.03 (Capital Murder);
- (3) Section 20A.02 (Trafficking of Persons);
- (4) Section 20A.03 (Continuous Trafficking of
Persons);
- (5) Section 21.02 (Continuous Sexual Abuse of Young
Child or Children);
- (6) Section 21.11 (Indecency with a Child);
- (7) Section 22.021 (Aggravated Sexual Assault);
- (8) Section 43.04 (Aggravated Promotion of
Prostitution), if the defendant is not alleged to have engaged in
conduct constituting an offense under Section 43.02(a);
- (9) Section 43.05 (Compelling Prostitution); or
- (10) Section 43.25 (Sexual Performance by a Child).

SECTION 5. Article 17.15, Code of Criminal Procedure, is amended to read as follows:

Art. 17.15. RULES FOR SETTING ~~[FIXING]~~ AMOUNT OF BAIL. (a) The amount of bail and the associated conditions of bail to be required in any case are ~~[is]~~ to be regulated by the court, judge, magistrate, or officer taking the bail in accordance with Articles 17.20, 17.21, and 17.22 and ~~[, they]~~ are ~~[to be]~~ governed ~~[in the exercise of this discretion]~~ by the Constitution and ~~[by]~~ the following rules:

- (1) [1.] The amount of bail, if any, and associated
conditions of bail, if any, shall be sufficient ~~[sufficiently high]~~
to give reasonable assurance that the undertaking will be complied with.

1 (2) ~~[2.]~~ The power to require bail is not to be so
2 used as to make it an instrument of oppression.

3 (3) ~~[3.]~~ The nature of the offense, ~~[and]~~ the
4 circumstances under which the offense ~~[it]~~ was committed, and the
5 defendant's criminal history, including acts of family violence,
6 shall ~~[are to]~~ be considered, except that a misdemeanor or an
7 offense under Chapter 481, Health and Safety Code, that occurred
8 more than 10 years before the current offense may not be considered
9 unless the previous offense involved the manufacture or delivery of
10 a controlled substance or caused bodily injury, as defined by
11 Section 1.07, Penal Code, to another, or unless good cause
12 otherwise exists for considering that offense.

13 (4) ~~[4.]~~ The ability to make bail shall ~~[is to]~~ be
14 considered ~~[regarded]~~, and proof may be taken upon this point.

15 (5) ~~[5.]~~ The future safety of a victim of the alleged
16 offense, law enforcement, and the community shall be considered.

17 (6) Any public safety report prepared using the
18 validated public safety report system developed under Article
19 17.021 shall be considered.

20 (7) Any other relevant facts or circumstances may be
21 considered.

22 (b) In this article, "family violence" has the meaning
23 assigned by Section 71.004, Family Code.

24 SECTION 6. Chapter 17, Code of Criminal Procedure, is
25 amended by adding Articles 17.50, 17.51, and 17.52 to read as
26 follows:

27 Art. 17.50. NOTICE OF CONDITIONS. (a) As soon as

1 practicable but not later than the next business day after the date
2 a magistrate issues an order imposing a condition of release on bond
3 for a defendant or modifying or removing a condition previously
4 imposed, the clerk of the court shall send a copy of the order to:

5 (1) the appropriate attorney representing the state;
6 and

7 (2) either:

8 (A) the chief of police in the municipality where
9 the defendant resides, if the defendant resides in a municipality;
10 or

11 (B) the sheriff of the county where the defendant
12 resides, if the defendant does not reside in a municipality.

13 (b) A clerk of the court may delay sending a copy of the
14 order under Subsection (a) only if the clerk lacks information
15 necessary to ensure service and enforcement.

16 (c) If an order described by Subsection (a) prohibits a
17 defendant from going to or near a child care facility or school, the
18 clerk of the court shall send a copy of the order to the child care
19 facility or school.

20 (d) The copy of the order and any related information may be
21 sent electronically or in another manner that can be accessed by the
22 recipient.

23 (e) The magistrate or the magistrate's designee shall
24 provide written notice to the defendant of:

25 (1) the conditions of release on bond; and

26 (2) the penalties for violating a condition of
27 release.

1 (f) The magistrate shall make a separate record of the
2 notice provided to the defendant under Subsection (e).

3 (g) The Office of Court Administration of the Texas Judicial
4 System shall promulgate a form for use by a magistrate in providing
5 notice to the defendant under Subsection (e). The form must include
6 the relevant statutory language from the provisions of this chapter
7 under which a condition of release on bond may be imposed on a
8 defendant.

9 Art. 17.51. REPORTING OF CONDITIONS. A chief of police or
10 sheriff who receives a copy of an order under Article 17.50(a), or
11 the chief's or sheriff's designee, shall, as soon as practicable but
12 not later than the 10th day after the date the copy is received,
13 enter information relating to the condition of release into the
14 appropriate database of the statewide law enforcement information
15 system maintained by the Department of Public Safety or modify or
16 remove information, as appropriate.

17 Art. 17.52. PROCEDURES AND FORMS RELATED TO CASH BAIL BOND.
18 The Office of Court Administration of the Texas Judicial System
19 shall develop statewide procedures and prescribe forms to be used
20 by a court to facilitate:

21 (1) the refund of a cash bail bond, with an emphasis on
22 refunding the bail bond to the person in whose name the receipt
23 described by Article 17.02 was issued; and

24 (2) the application of a cash bail bond paid by a
25 person other than a defendant to the defendant's outstanding court
26 costs and fees.

27 SECTION 7. (a) Article 17.02, Code of Criminal Procedure,

is amended to read as follows:

Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a written undertaking entered into by the defendant and the defendant's sureties for the appearance of the principal therein before a court or magistrate to answer a criminal accusation; provided, however, that the defendant on execution of the bail bond may deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the bond in lieu of having sureties signing the same. Any cash funds deposited under this article shall be receipted for by the officer receiving the funds and, on order of the court, be refunded in the amount shown on the face of the receipt less the administrative fee authorized by Section 117.055, Local Government Code, if applicable, after the defendant complies with the conditions of the defendant's bond, to:

(1) any person in the name of whom a receipt was issued, including the defendant if a receipt was issued to the defendant; or

(2) the defendant, if no other person is able to produce a receipt for the funds.

(b) Section 117.055, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as provided by Subsection (a-1), to ~~[To]~~ compensate the county for the accounting and administrative expenses incurred in handling the registry funds that have not earned interest, including funds in a special or separate account,

1 the clerk shall, at the time of withdrawal, deduct from the amount
2 of the withdrawal a fee in an amount equal to five percent of the
3 withdrawal but that may not exceed \$50. Withdrawal of funds
4 generated from a case arising under the Family Code is exempt from
5 the fee deduction provided by this section.

6 (a-1) A clerk may not deduct a fee under Subsection (a) from
7 a withdrawal of funds generated by the collection of a cash bond or
8 cash bail bond if in the case for which the bond was taken:

9 (1) the defendant was found not guilty after a trial or
10 appeal; or

11 (2) the complaint, information, or indictment was
12 dismissed without a plea of guilty or nolo contendere being
13 entered.

14 (a-2) On the request of a person to whom withdrawn funds
15 generated by the collection of a cash bond or cash bail bond were
16 disbursed, the clerk shall refund to the person the amount of the
17 fee deducted under Subsection (a) if:

18 (1) subsequent to the deduction, a court makes or
19 enters an order or ruling in the case for which the bond was taken;
20 and

21 (2) had the court made or entered the order or ruling
22 before the withdrawal of funds occurred, the deduction under
23 Subsection (a) would have been prohibited under Subsection (a-1).

24 (c) Section 117.055, Local Government Code, as amended by
25 this section, applies only to a withdrawal of funds from a court
26 registry under Section 117.055, Local Government Code, made on or
27 after September 1, 2021. A withdrawal of funds from a court

1 registry made before September 1, 2021, is governed by the law in
2 effect on the date the withdrawal was made, and the former law is
3 continued in effect for that purpose.

4 (d) This section takes effect September 1, 2021.

5 SECTION 8. As soon as practicable but not later than
6 December 1, 2021, the Office of Court Administration of the Texas
7 Judicial System shall create and provide access to the appropriate
8 officials in each county the validated public safety report system
9 developed under Article 17.021, Code of Criminal Procedure, as
10 added by this Act, and any related forms and materials, at no cost.
11 If those items are made available before December 1, 2021, the
12 office shall notify each court clerk, judge or other magistrate,
13 and office of an attorney representing the state.

14 SECTION 9. (a) As soon as practicable but not later than
15 December 1, 2021, the Office of Court Administration of the Texas
16 Judicial System shall:

17 (1) promulgate the form required by Article 17.50(g),
18 Code of Criminal Procedure, as added by this Act; and

19 (2) develop or approve and make available the training
20 courses and certification method as described by Article 17.024,
21 Code of Criminal Procedure, as added by this Act, and develop the
22 procedures and prescribe the forms required by Article 17.52, Code
23 of Criminal Procedure, as added by this Act.

24 (b) If the items described by Subsection (a) of this section
25 are made available before December 1, 2021, the office shall notify
26 each court clerk, judge or other magistrate, and office of an
27 attorney representing the state.

1 SECTION 10. The changes in law made by this Act apply only
2 to a person who is arrested on or after the effective date of this
3 Act. A person arrested before the effective date of this Act is
4 governed by the law in effect on the date the person was arrested,
5 and the former law is continued in effect for that purpose.

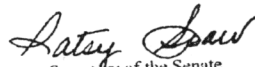
6 SECTION 11. (a) Except as provided by Subsection (b) of
7 this section, this Act takes effect December 1, 2021.

8 (b) Articles 17.021 and 17.024, Code of Criminal Procedure,
9 as added by this Act, and Sections 8 and 9 of this Act take effect
10 September 1, 2021.

ADOPTED

MAY 22 2021

By: 


Secretary of the Senate

H.B. No. ~~20~~ ²⁰

Substitute the following for ____B. No. ____:

By: 

C.S. H.B. No. ~~20~~ ²⁰

A BILL TO BE ENTITLED

AN ACT

relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

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

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.027 to read as follows:

Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH OFFENSE COMMITTED WHILE ON BAIL. Notwithstanding any other law, if a defendant is charged with committing an offense while released on bail for another offense, only the court before whom the case for the previous offense is pending may release the defendant on bail. The defendant must be presented to the court within the period prescribed by Article 15.17, either in person or by means of videoconference, in accordance with that article.

SECTION 2. Article 17.03, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsection (b-2) to read as follows:

(a) Except as provided by Subsection (b), ~~or~~ (b-1), or (b-2), a magistrate may, in the magistrate's discretion, release the defendant on personal bond without sureties or other security.

(b) Only the court before whom the case is pending may

1 release on personal bond a defendant who:

2 (1) is charged with an offense under the following
3 sections of the Penal Code:

4 (A) Section 19.03 (Capital Murder);

5 (B) Section 20.04 (Aggravated Kidnapping);

6 (C) Section 22.021 (Aggravated Sexual Assault);

7 (D) ~~[Section 22.03 (Deadly Assault on Law~~
8 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~
9 ~~Pardons and Paroles, or Court Participant)],~~

10 ~~[(E)]~~ Section 22.04 (Injury to a Child, Elderly
11 Individual, or Disabled Individual);

12 (E) ~~[(F)]~~ Section 29.03 (Aggravated Robbery);

13 (F) ~~[(G)]~~ Section 30.02 (Burglary);

14 (G) ~~[(H)]~~ Section 71.02 (Engaging in Organized
15 Criminal Activity);

16 (H) ~~[(I)]~~ Section 21.02 (Continuous Sexual Abuse
17 of Young Child or Children); or

18 (I) ~~[(J)]~~ Section 20A.03 (Continuous Trafficking
19 of Persons);

20 (2) is charged with a felony under Chapter 481, Health
21 and Safety Code, or Section 485.033, Health and Safety Code,
22 punishable by imprisonment for a minimum term or by a maximum fine
23 that is more than a minimum term or maximum fine for a first degree
24 felony; or

25 (3) does not submit to testing for the presence of a
26 controlled substance in the defendant's body as requested by the
27 court or magistrate under Subsection (c) of this article or submits

1 to testing and the test shows evidence of the presence of a
2 controlled substance in the defendant's body.

3 (b-2) A magistrate may not release on personal bond a
4 defendant who:

5 (1) is charged with committing an offense while
6 released on bail or community supervision for an offense involving
7 violence, as defined by Article 17.15(b); or

8 (2) has previously been convicted of an offense
9 involving violence, as defined by Article 17.15(b).

10 SECTION 3. Chapter 17, Code of Criminal Procedure, is
11 amended by adding Articles 17.0501, 17.0502, and 17.071 to read as
12 follows:

13 Art. 17.0501. REQUIRED TRAINING. The Department of Public
14 Safety shall develop training courses that relate to the use of the
15 statewide telecommunications system maintained by the department
16 and that are directed to each magistrate, judge, sheriff, peace
17 officer, or jailer required to obtain criminal history record
18 information under this chapter, as necessary to enable the person
19 to fulfill those requirements.

20 Art. 17.0502. COMPLETION OF BAIL FORM. (a) Each
21 magistrate, judge, sheriff, peace officer, or jailer shall, at the
22 time the person sets bail for a defendant under this chapter,
23 complete the form promulgated by the Office of Court Administration
24 of the Texas Judicial System under Section 72.036, Government Code.

25 (b) A person completing a form under this article shall
26 electronically deliver the completed form to the Office of Court
27 Administration of the Texas Judicial System as soon as is

1 practicable.

2 Art. 17.071. CHARITABLE BAIL ORGANIZATIONS. (a) In this
3 article, "charitable bail organization" means a person who solicits
4 donations from the public for the purpose of depositing money with a
5 court in the amount of a defendant's bail bond. The term does not
6 include:

7 (1) a person soliciting donations with respect to a
8 defendant who is a member of the person's family, as determined
9 under Section 71.003, Family Code; or

10 (2) a nonprofit corporation organized for the purpose
11 of religious worship.

12 (b) This article does not apply to a charitable bail
13 organization that pays a bail bond for not more than three
14 defendants in any 180-day period.

15 (c) A charitable bail organization shall file in the office
16 of the county clerk of each county where the organization intends to
17 pay bail bonds an affidavit designating the individuals authorized
18 to pay bonds on behalf of the organization.

19 (d) A charitable bail organization may only pay bail bonds
20 for indigent defendants who:

21 (1) are not charged with an offense involving
22 violence, as defined by Article 17.15(b); and

23 (2) have not previously been convicted of an offense
24 involving violence, as defined by Article 17.15(b).

25 (e) Not later than the 10th day of each month, a charitable
26 bail organization shall submit, to the sheriff of each county in
27 which the organization files an affidavit under Subsection (c), a

1 report that includes the following information for each defendant
2 for whom the organization paid a bail bond in the preceding calendar
3 month:

4 (1) the name of the defendant;

5 (2) the cause number of the case;

6 (3) the county in which the applicable charge is
7 pending, if different from the county in which the bond was paid;
8 and

9 (4) any dates on which the defendant has failed to
10 appear in court as required for the charge for which the bond was
11 paid.

12 (f) A charitable bail organization may not pay a bail bond
13 for a defendant at any time the organization is considered to be out
14 of compliance with the reporting requirements of this article.

15 (g) A sheriff may suspend a charitable bail organization
16 from paying bail bonds in the sheriff's county for one year if the
17 sheriff determines the organization has paid bonds in violation of
18 this article.

19 (h) Chapter 22 applies to a bail bond paid by a charitable
20 bail organization.

21 (i) A charitable bail organization may not accept a premium
22 or compensation for paying a bail bond for a defendant.

23 SECTION 4. Article 17.15, Code of Criminal Procedure, is
24 amended to read as follows:

25 Art. 17.15. RULES FOR FIXING AMOUNT OF BAIL. (a) The
26 amount of bail to be required in any case is to be regulated by the
27 court, judge, magistrate or officer taking the bail; they are to be

1 governed in the exercise of this discretion by the Constitution and
2 by the following rules:

3 1. The bail shall be sufficiently high to give reasonable
4 assurance that the undertaking will be complied with.

5 2. The power to require bail is not to be so used as to make
6 it an instrument of oppression.

7 3. The nature of the offense and the circumstances under
8 which it was committed are to be considered, including whether the
9 offense is an offense involving violence and whether the violence
10 was directed against a peace officer.

11 4. The ability to make bail is to be regarded, and proof may
12 be taken upon this point.

13 5. The future safety of a victim of the alleged offense and
14 the community shall be considered.

15 6. The criminal history of the defendant, including any
16 other pending criminal charges and any instances in which the
17 defendant failed to appear in court following release on bail, is to
18 be considered.

19 7. The citizenship status of the defendant is to be
20 considered.

21 (b) In this article, "offense involving violence" means an
22 offense under the following sections of the Penal Code:

23 (1) Section 19.02 (murder);

24 (2) Section 19.03 (capital murder);

25 (3) Section 20.03 (kidnapping);

26 (4) Section 20.04 (aggravated kidnapping);

27 (5) Section 20A.03 (continuous trafficking of

1 persons);
2 (6) Section 21.02 (continuous sexual abuse of young
3 child or children);
4 (7) Section 21.11 (indecent with a child);
5 (8) Section 22.01(a)(1) (assault), if the offense:
6 (A) involved family violence as defined by
7 Section 71.004, Family Code; or
8 (B) is punishable as a felony of the second
9 degree under Subsection (b-2) of that section (assault of a peace
10 officer or judge);
11 (9) Section 22.011 (sexual assault);
12 (10) Section 22.02 (aggravated assault);
13 (11) Section 22.021 (aggravated sexual assault);
14 (12) Section 22.04 (injury to a child, elderly
15 individual, or disabled individual);
16 (13) Section 25.072 (repeated violation of certain
17 court orders or conditions of bond in family violence, child abuse
18 or neglect, sexual assault or abuse, indecent assault, stalking, or
19 trafficking case);
20 (14) Section 25.11 (continuous violence against the
21 family);
22 (15) Section 29.03 (aggravated robbery); or
23 (16) Section 38.14 (taking or attempting to take
24 weapon from peace officer, federal special investigator, employee
25 or official of correctional facility, parole officer, community
26 supervision and corrections department officer, or commissioned
27 security officer).

1 SECTION 5. Chapter 17, Code of Criminal Procedure, is
2 amended by adding Articles 17.1501 and 17.1502 to read as follows:

3 Art. 17.1501. CONTINUING EDUCATION. (a) A judge or
4 magistrate with the authority to set bail for defendants shall,
5 within one year after the date the judge or magistrate first assumes
6 office, successfully complete a four-hour course with respect to
7 the judge's or magistrate's duties under Article 15.17 and setting
8 bail in criminal cases.

9 (b) Each following year, a judge or magistrate described by
10 Subsection (a) shall successfully complete a two-hour course with
11 respect to the judge's or magistrate's duties under Article 15.17
12 and setting bail in criminal cases.

13 (c) The courses may be completed through a course in bail
14 bond law that is:

15 (1) approved by the State Bar of Texas; and

16 (2) offered:

17 (A) by a public or accredited private institution
18 of higher education in this state; or

19 (B) through a program approved by a court
20 education committee.

21 Art. 17.1502. BAIL SCHEDULE; HEARING. (a) The judges of
22 the courts trying criminal cases in a county may promulgate a
23 standing order setting out a schedule of suggested bail amounts for
24 any offense over which the courts have jurisdiction under Chapter
25 4.

26 (b) A standing order promulgated in accordance with this
27 article must require that the factors under Article 17.15 be

1 considered before a defendant's bail is set.

2 (c) A defendant who is unable to give bail in the amount
3 required by the schedule must be given an opportunity to file with
4 the applicable magistrate a sworn affidavit in substantially the
5 following form:

6 "On this ____ day of _____, 20 _____, I have been advised by the
7 (name of the court) Court of the importance of providing true and
8 complete information about my financial situation in connection
9 with the charge pending against me. I am without means to pay
10 _____ and I hereby request the court to set an appropriate bail.
11 (signature of defendant)."

12 (d) The Office of Court Administration of the Texas Judicial
13 System shall promulgate a form to be completed by a defendant filing
14 an affidavit under Subsection (c) to allow a magistrate to assess
15 information relevant to the defendant's financial situation. The
16 form must collect, at a minimum, the following information:

17 (1) any income received by the defendant and the
18 defendant's spouse in the preceding two years;

19 (2) the defendant's employment history and the
20 employment history of the defendant's spouse, including gross
21 monthly pay, for the preceding two years;

22 (3) any cash holdings available to the defendant or
23 the defendant's spouse and the financial institution in which the
24 cash is held;

25 (4) the defendant's major non-cash assets, including
26 real estate and motor vehicles;

27 (5) money owed to the defendant or to the defendant's

1 spouse;

2 (6) any dependents of the defendant or of the
3 defendant's spouse, and the dependents' ages;

4 (7) an itemized estimate of the defendant's monthly
5 expenses;

6 (8) an estimate of the defendant's tax and legal
7 expenses;

8 (9) any anticipated major changes in the defendant's
9 income or expenses; and

10 (10) any additional relevant information the
11 defendant is able to provide to explain the defendant's inability
12 to pay bail according to the schedule.

13 (e) A defendant who files an affidavit under Subsection (c)
14 is entitled to a hearing before the magistrate on the bail amount.
15 The hearing must be held not later than 48 hours after the affidavit
16 is filed. At the hearing, the magistrate shall require the
17 defendant to sign the form described by Subsection (d) in the
18 presence of the magistrate and under penalty of perjury. After the
19 form is signed, the magistrate shall consider the facts stated in
20 the form and the rules established by Article 17.15 and shall set
21 the defendant's bail. The magistrate shall issue oral or written
22 findings of fact supporting the bail decision.

23 SECTION 6. Article 17.20, Code of Criminal Procedure, is
24 amended to read as follows:

25 Art. 17.20. BAIL IN MISDEMEANOR. (a) In cases of
26 misdemeanor, the sheriff or other peace officer, or a jailer
27 licensed under Chapter 1701, Occupations Code, may, whether during

1 the term of the court or in vacation, where the officer has a
2 defendant in custody, take of the defendant a bail bond.

3 (b) Before taking a bail bond under this article, the
4 sheriff, peace officer, or jailer shall obtain the defendant's
5 criminal history record information through the statewide
6 telecommunications system maintained by the Department of Public
7 Safety. If the defendant is charged with an offense involving
8 violence or has previously been convicted of an offense involving
9 violence, the sheriff, officer, or jailer may not set the amount of
10 the defendant's bail but may take of the defendant a bail bond in
11 the amount fixed by the court. For purposes of this subsection,
12 "offense involving violence" has the meaning assigned by Article
13 17.15(b).

14 SECTION 7. Article 17.22, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 17.22. MAY TAKE BAIL IN FELONY. (a) In a felony case,
17 if the court before which the case [~~same~~] is pending is not in
18 session in the county where the defendant is in custody, the sheriff
19 or other peace officer, or a jailer licensed under Chapter 1701,
20 Occupations Code, who has the defendant in custody may take the
21 defendant's bail bond in the [~~such~~] amount [~~as may have been~~] fixed
22 by the court or magistrate, or if no amount has been fixed, then in
23 any [~~such~~] amount as the [~~such~~] officer considers [~~may consider~~]
24 reasonable.

25 (b) Before taking a bail bond under this article, the
26 sheriff, peace officer, or jailer shall obtain the defendant's
27 criminal history record information through the statewide

1 telecommunications system maintained by the Department of Public
2 Safety. If the defendant is charged with an offense involving
3 violence or has previously been convicted of an offense involving
4 violence, the sheriff, officer, or jailer may not set the amount of
5 the defendant's bail but may take of the defendant a bail bond in
6 the amount fixed by the court. For purposes of this subsection,
7 "offense involving violence" has the meaning assigned by Article
8 17.15(b).

9 SECTION 8. Section 27.005, Government Code, is amended to
10 read as follows:

11 Sec. 27.005. EDUCATIONAL REQUIREMENTS. (a) For purposes
12 of removal under Chapter 87, Local Government Code, "incompetency"
13 in the case of a justice of the peace includes the failure of the
14 justice to successfully complete:

15 (1) within one year after the date the justice is first
16 elected;

17 (A) [7] an 80-hour course in the performance of
18 the justice's duties; and

19 (B) the course described by Article 17.1501(a),
20 Code of Criminal Procedure; and

21 (2) each following year:

22 (A) [7] a 20-hour course in the performance of
23 the justice's duties, including not less than 10 hours of
24 instruction regarding substantive, procedural, and evidentiary law
25 in civil matters; and

26 (B) the course described by Article 17.1501(b),
27 Code of Criminal Procedure.

1 (b) The courses described by Subsections (a)(1)(A) and
2 (a)(2)(A) may be completed in an accredited state-supported school
3 of higher education.

4 SECTION 9. Subchapter C, Chapter 71, Government Code, is
5 amended by adding Section 71.0351 to read as follows:

6 Sec. 71.0351. BAIL AND PRETRIAL RELEASE INFORMATION. (a)
7 As a component of the official monthly report submitted to the
8 Office of Court Administration of the Texas Judicial System under
9 Section 71.035, the clerk of each court setting bail in criminal
10 cases shall report:

11 (1) the number of defendants for whom bail was set,
12 including:

13 (A) the number for each category of offense; and

14 (B) the number of personal bonds;

15 (2) the number of defendants who posted bail;

16 (3) the number of defendants released on bail who
17 subsequently failed to appear or violated a condition of release;

18 and

19 (4) the number of defendants who committed an offense
20 while released on bail or community supervision.

21 (b) The Office of Court Administration of the Texas Judicial
22 System shall post the information in a publicly accessible place on
23 the agency's Internet website without disclosing any personal
24 information of any defendant, judge, or magistrate.

25 SECTION 10. Subchapter C, Chapter 72, Government Code, is
26 amended by adding Section 72.036 to read as follows:

27 Sec. 72.036. BAIL FORM. (a) The office shall promulgate a

1 form to be completed each time a magistrate, judge, sheriff, peace
2 officer, or jailer sets a defendant's bail under Chapter 17, Code of
3 Criminal Procedure.

4 (b) The form must:

5 (1) state the requirements for setting bail under
6 Article 17.15, Code of Criminal Procedure;

7 (2) require the person setting bail to certify that
8 the person considered all of the information required under that
9 article; and

10 (3) be signed by the person setting the bail.

11 (c) The office shall publish each form submitted under
12 Article 17.0502, Code of Criminal Procedure, in a database that is
13 publicly accessible on the office's Internet website.

14 SECTION 11. Article 66.102(c), Code of Criminal Procedure,
15 is amended to read as follows:

16 (c) Information in the computerized criminal history system
17 relating to an arrest must include:

18 (1) the offender's name;

19 (2) the offender's state identification number;

20 (3) the arresting law enforcement agency;

21 (4) the arrest charge, by offense code and incident
22 number;

23 (5) whether the arrest charge is a misdemeanor or
24 felony;

25 (6) the date of the arrest;

26 (7) for an offender released on bail, whether a
27 warrant was issued for any subsequent failure of the offender to

1 appear in court;

2 (8) the exact disposition of the case by a law
3 enforcement agency following the arrest; and

4 (9) [~~(8)~~] the date of disposition of the case by the
5 law enforcement agency.

6 SECTION 12. A judge or magistrate who is serving on the
7 effective date of this Act must complete the judge's or
8 magistrate's:

9 (1) initial training under Article 17.1501(a), Code of
10 Criminal Procedure, as added by this Act, not later than September
11 1, 2022; and

12 (2) first required course under Article 17.1501(b),
13 Code of Criminal Procedure, as added by this Act, not later than
14 September 1, 2023.

15 SECTION 13. The changes in law made by this Act apply only
16 to a person who is arrested on or after the effective date of this
17 Act. A person arrested before the effective date of this Act is
18 governed by the law in effect on the date the person was arrested,
19 and the former law is continued in effect for that purpose.

20 SECTION 14. This Act takes effect September 1, 2021.

ADOPTED

MAY 22 2021

Lacey Law
Secretary of the Senate

Joan Huffman
BY: _____

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. No. 20 (senate committee printing) in SECTION
2 5 of the bill as follows:

3 (1) In added Article 17.1502(c), Code of Criminal
4 Procedure, strike page 4, lines 32-35, and substitute the
5 following:

6 (c) If a defendant claims to be unable to give bail in the
7 amount required by the schedule, the magistrate or an employee of
8 the court or of the county in which the defendant is confined must
9 verify the ability of a defendant to give bail in the amount
10 required by the schedule and shall explain to the defendant the
11 nature and significance of the verification process required by
12 this subsection. A defendant who claims to be unable to give bail
13 in the amount required by the schedule may file with the applicable
14 magistrate a sworn affidavit in substantially the following form:

15 (2) In added Article 17.1502(d), Code of Criminal
16 Procedure, strike page 4, lines 42-46, and substitute the
17 following:

18 (d) A defendant filing an affidavit under Subsection (c)
19 shall complete a form to allow a magistrate to assess information
20 relevant to the defendant's financial situation. The form must be
21 the form used to request appointment of counsel under Article 26.04
22 or a form promulgated by the Office of Court Administration of the
23 Texas Judicial System that collects, at a minimum, the following
24 information:

25 (3) In added Article 17.1502(e), Code of Criminal Procedure
26 (page 5, line 1), between "defendant who" and "files", insert "is
27 unable to give bail in the amount required by the schedule and who".

28 (4) In added Article 17.1502(e), Code of Criminal
29 Procedure, strike page 5, lines 3-10, and substitute the following:

1 The hearing must be held not later than 48 hours after the defendant
2 is arrested. At the hearing, the defendant must be given the
3 opportunity to present evidence and respond to evidence presented
4 by the attorney representing the state. After the hearing, the
5 magistrate shall consider the facts presented by the defendant and
6 the rules established by Article 17.15 and shall set the
7 defendant's bail. If the magistrate does not set the defendant's
8 bail in an amount below the amount required by the schedule, the
9 magistrate shall issue written findings of fact supporting the bail
10 decision.

11 (f) A defendant whose bail is not set as described by
12 Subsection (e) in an amount below the amount required by the
13 schedule is entitled to a bail review hearing in the court before
14 whom the case is pending. The bail review hearing must be held not
15 later than 48 hours after the conclusion of the hearing under
16 Subsection (e).

17 (g) A defendant may be released without paying bail as
18 required by the schedule if:

19 (1) in a bail review hearing conducted under
20 Subsection (f) the court determines that the findings of fact
21 issued under Subsection (e) do not support the bail decision; or

22 (2) a bail review hearing required under Subsection
23 (f) is not conducted within the period required by that subsection.

24 (h) The judges of the courts trying criminal cases in a
25 county must report to the Office of Court Administration of the
26 Texas Judicial System each defendant for whom a hearing under
27 Subsection (e) was not held within 48 hours of the defendant's
28 arrest. If a delay occurs that will cause the hearing under
29 Subsection (e) to be held later than 48 hours after the defendant's
30 arrest, the magistrate or an employee of the court or of the county
31 in which the defendant is confined must explain the reason for the

1 delay to the defendant's counsel and, if applicable, to the
2 defendant's spouse or closest living relative.

3 (i) The magistrate may enter an order or take other action
4 authorized by Article 16.22 with respect to a defendant who does not
5 appear competent to execute an affidavit under Subsection (c).

ADOPTED

MAY 22 2021

FLOOR AMENDMENT NO. 2

Latey Law
Secretary of the Senate

BY: *Joan Huffman*

Amend C.S.H.B. No. 20 (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Article 1.07, Code of Criminal Procedure, is amended to read as follows:

Art. 1.07. RIGHT TO BAIL. Any person ~~[All prisoners]~~ shall be eligible for bail ~~[bailable]~~ unless denial of bail is expressly permitted by the Texas Constitution or by Chapter 17 ~~[for capital offenses when the proof is evident]~~. This provision may ~~[shall]~~ not be ~~[se]~~ construed ~~[as]~~ to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

(2) In SECTION 4 of the bill, amending Article 17.15, Code of Criminal Procedure (page 4, between lines 3 and 4), insert the following:

(c) For purposes of determining whether clear and convincing evidence exists to deny a person bail under Section 11d, Article I, Texas Constitution, a magistrate shall consider all information relevant to the factors listed in Subsection (a).

(3) Strike SECTION 14 of the bill, adding the effective date provision of the bill (page 7, line 5), and substitute the following appropriately numbered SECTION:

SECTION ____ . (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b) Article 17.15(c), Code of Criminal Procedure, as added by

UNOFFICIAL
JAN 10 2021

1 this Act, takes effect December 1, 2021, but only if the
2 constitutional amendment proposed by the 87th Legislature, Regular
3 Session, 2021, authorizing the denial of bail under some
4 circumstances to a person accused of a violent or sexual offense
5 or of continuous trafficking of persons is approved by the voters.
6 If that amendment is not approved by the voters, Article 17.15(c),
7 Code of Criminal Procedure, has no effect.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 24, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB20 by Murr (Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB20, As Passed 2nd House : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$850,000) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>Statewide Electronic Filing System</i> 5157
2022	(\$850,000)
2023	\$0
2024	\$0
2025	\$0
2026	\$0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to limit release on personal bond by magistrates of defendants charged with committing a new offense while on bail or community supervision in another case

involving violence or defendants previously convicted of a violent offense. The bill would also provide that any person shall be eligible for bail unless the denial of bail is permitted by the Texas Constitution or Chapter 17 of the Code of Criminal Procedure.

The bill would require the Department of Public Safety (DPS) to provide certain training with respect to criminal history records to magistrates, judges, sheriffs, peace officers, and jailers.

Under the bill's provisions, the Office of Court Administration (OCA) would be required to promulgate a bail form to be completed by magistrates, judges, sheriffs, peace officers, and jailers each time bail is set. The bail form promulgated would have to state the requirements for setting bail under Article 17.15, include an affirmation that the person setting bail considered all of the information required under the article, and require the signature of the person setting bail. The bill would require the forms to be electronically returned to OCA for inclusion in a database that is publicly accessible on OCA's website.

The bill would amend the Code of Criminal Procedure to regulate charitable organizations that solicit donations from the public for the purpose of posting bail bonds for defendants. The bill would impose certain filing and reporting requirements on such organizations. Under the bill's provisions, a charitable organization would not be able to post the bail for misdemeanor or felony offenders who are charged with or have been previously convicted of certain violent offenses. A sheriff would be able to suspend an organization's ability to post bail bonds if the organization violates a reporting requirement or other mandate of the bill.

The bill would amend Code of Criminal Procedure to expand the rules for fixing the amount of bail. Under the provisions of the bill, a magistrate or court would have to consider a defendant's criminal history and immigration status before setting bail.

The bill would impose educational requirements with respect to setting bail and other magistration duties on magistrates who set bail. The course would be required to be obtained through an accredited school of higher education or a program approved by a court education committee or through a course approved by the State Bar of Texas.

The bill would authorize the use of bail schedules under certain circumstances. Under the bill's provisions, a defendant who claims to be unable to give bail in the amount required by the schedule would be entitled to file a sworn affidavit on a form promulgated by OCA indicating the defendant's financial situation and requesting the magistrate to set an appropriate bail, following the magistrate or an employee of the court verifying the defendant's ability to give bail. Defendants filing the affidavit would be entitled to a bail hearing before a magistrate no later than 48 hours after the affidavit was filed. The magistrate would be required to issue oral or written findings of fact supporting his or her bail decision.

The bill would require sheriffs, peace officers, and jailers to obtain a defendant's criminal history prior to accepting bail before appearance before a magistrate. The sheriff, peace officer, or jailer would be prohibited from accepting bail before appearance before a magistrate if the defendant is charged with a violent offense or has been previously convicted of a violent offense.

The bill would amend then Government Code to require county clerks of a court at law to report monthly certain information pertaining to bail bonds to the Texas Office of Court Administration. Under the provisions of the bill, a clerk would have to report the number of bail bonds given for each level of offense, the number and type of bail bonds given, the number of defendants posting bail, the number of defendants failing to reappear after release on bail, and the number of defendants committing new offenses while on bail.

The bill would take effect September 1, 2021.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

This analysis assumes funding would be needed for one-time development and licensing costs of \$850,000 in fiscal year 2022 to modify OCA's court activity reporting database, a legacy information technology system, to capture the data required under this bill and to develop an electronic system to capture and publicize the bail

forms that are required to be submitted to OCA.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022-23 biennium to cover funding necessary to implement the provisions of the bill.

Based on the analysis of the OCA, it is assumed that duties and responsibilities associated with developing bail forms and procedures could be accomplished utilizing existing resources. Based on analysis provided by DPS, it is assumed that duties and responsibilities associated with developing training courses could be accomplished utilizing existing resources.

Technology

Funding in fiscal year 2022 totaling \$500,000 would be needed to modify OCA's court activity reporting database. Funding in fiscal year 2022 totaling \$350,000 would be needed for OCA to develop a system to capture and publicize the electronically submitted bail forms.

Local Government Impact

According to OCA, The bill may also result in increased costs to local governments to house inmates who may be unable to make bail without access to personal bonds or may be delayed in making bail until subsequent hearings. The cost will vary from county to county depending on arrestees unable to make bail. Requiring more detailed statistical information to be submitted to OCA may result in a cost to modify local court case management systems, but those costs will depend on contractual agreements between counties and vendors and will vary by county. Therefore, there may be an indeterminate fiscal impact to local government.

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, LBO, MW, BH, SLE, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 17, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB20** by Murr (relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB20, Committee Report 2nd House, Substituted : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$850,000) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>Statewide Electronic Filing System</i> 5157
2022	(\$850,000)
2023	\$0
2024	\$0
2025	\$0
2026	\$0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to limit release on personal bond by magistrates of defendants charged with committing a new offense while on bail or community supervision in another case

involving violence or defendants previously convicted of a violent offense.

The bill would require the Department of Public Safety (DPS) to provide certain training with respect to criminal history records to magistrates, judges, sheriffs, peace officers, and jailers.

Under the bill's provisions, the Office of Court Administration (OCA) would be required to promulgate a bail form to be completed by magistrates, judges, sheriffs, peace officers, and jailers each time bail is set. The bail form promulgated would have to state the requirements for setting bail under Article 17.15, include an affirmation that the person setting bail considered all of the information required under the article, and require the signature of the person setting bail. The bill would require the forms to be electronically returned to OCA for inclusion in a database that is publicly accessible on OCA's website.

The bill would amend the Code of Criminal Procedure to regulate charitable organizations that solicit donations from the public for the purpose of posting bail bonds for defendants. The bill would impose certain filing and reporting requirements on such organizations. Under the bill's provisions, a charitable organization would not be able to post the bail for misdemeanor or felony offenders who are charged with or have been previously convicted of certain violent offenses. A sheriff would be able to suspend an organization's ability to post bail bonds if the organization violates a reporting requirement or other mandate of the bill.

The bill would amend Code of Criminal Procedure to expand the rules for fixing the amount of bail. Under the provisions of the bill, a magistrate or court would have to consider a defendant's criminal history and immigration status before setting bail.

The bill would impose educational requirements with respect to setting bail and other magistration duties on magistrates who set bail. The course would be required to be obtained through an accredited school of higher education or a program approved by a court education committee or through a course approved by the State Bar of Texas.

The bill would authorize the use of bail schedules under certain circumstances. Under the bill's provisions, a defendant unable to make bail in an amount required by the bail schedule would be entitled to file a sworn affidavit on a form promulgated by OCA indicating the defendant's financial situation and requesting the magistrate to set an appropriate bail. Defendants filing the affidavit would be entitled to a bail hearing before a magistrate no later than 48 hours after the affidavit was filed. The magistrate would be required to issue oral or written findings of fact supporting his or her bail decision.

The bill would require sheriffs, peace officers, and jailers to obtain a defendant's criminal history prior to accepting bail before appearance before a magistrate. The sheriff, peace officer, or jailer would be prohibited from accepting bail before appearance before a magistrate if the defendant is charged with a violent offense or has been previously convicted of a violent offense.

The bill would amend then Government Code to require county clerks of a court at law to report monthly certain information pertaining to bail bonds to the Texas Office of Court Administration. Under the provisions of the bill, a clerk would have to report the number of bail bonds given for each level of offense, the number and type of bail bonds given, the number of defendants posting bail, the number of defendants failing to reappear after release on bail, and the number of defendants committing new offenses while on bail.

The bill would take effect September 1, 2021.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

This analysis assumes funding would be needed for one-time development and licensing costs of \$850,000 in fiscal year 2022 to modify OCA's court activity reporting database, a legacy information technology system, to capture the data required under this bill and to develop an electronic system to capture and publicize the bail forms that are required to be submitted to OCA.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing

Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022-23 biennium to cover funding necessary to implement the provisions of the bill.

Based on the analysis of the OCA, it is assumed that duties and responsibilities associated with developing bail forms and procedures could be accomplished utilizing existing resources. Based on analysis provided by DPS, it is assumed that duties and responsibilities associated with developing training courses could be accomplished utilizing existing resources.

Technology

Funding in fiscal year 2022 totaling \$500,000 would be needed to modify OCA's court activity reporting database. Funding in fiscal year 2022 totaling \$350,000 would be needed for OCA to develop a system to capture and publicize the electronically submitted bail forms.

Local Government Impact

According to OCA, The bill may also result in increased costs to local governments to house inmates who may be unable to make bail without access to personal bonds or may be delayed in making bail until subsequent hearings. The cost will vary from county to county depending on arrestees unable to make bail. Requiring more detailed statistical information to be submitted to OCA may result in a cost to modify local court case management systems, but those costs will depend on contractual agreements between counties and vendors and will vary by county. Therefore, there may be an indeterminate fiscal impact to local government.

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, SLE, MW, BH, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 12, 2021

TO: Honorable Joan Huffman, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB20 by Murr (Relating to the release of defendants on bail.), As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for HB20, As Engrossed : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$1,112,500) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>Statewide Electronic Filing System</i> 5157
2022	(\$650,000)
2023	(\$462,500)
2024	(\$462,500)
2025	(\$462,500)
2026	(\$462,500)

Fiscal Analysis

This bill would amend the Code of Criminal Procedure to provide that any person shall be eligible for bail unless denial of bail is expressly permitted by the Texas Constitution.

The bill would require the Office of Court Administration (OCA) to develop a validated public safety report system that is standardized for statewide use and meets certain specifications. Under the bill's provisions, OCA would have to provide access to the system to the appropriate officials in each county at no cost. OCA would be

required to collect data relating to the use and efficiency of the system and, not later than November 1 of each even numbered year, make changes or updates to the system to ensure compliance with the bill's provisions. The bill would require a magistrate setting bail to consider the public safety report for a defendant charged with a Class B misdemeanor or higher category of offense.

The bill would require that only certain magistrates may release on bail defendants charged with offenses that are punishable as a felony or that are misdemeanors punishable by confinement.

The bill would require OCA to develop a training course regarding a magistrate's duties with respect to the public safety reports and setting bail. The bill would allow magistrates to take training courses required by the bill and approved by OCA at the Texas Justice Court Training Center, the Texas Municipal Courts Education Center, the Texas Association of Counties, the Texas Center for the Judiciary, or other similar entity.

The bill would provide that only the court before whom the case is pending may release on personal bond defendants who are charged with certain offenses. Under the bill's provisions, defendants charged with certain offenses (including murder, capital murder, trafficking of persons, and continuous sexual abuse of young child or children, and other offenses) would be ineligible for release on personal bond.

The bill would establish rules governing the setting of bail and would also require the clerk of a court to send a copy of the magistrate's order imposing a condition of release on bond or modifying or removing a condition previously imposed to the attorney for the state, the chief of police or sheriff of the county where the defendant resides, and if applicable, to the childcare facility or school that the defendant must avoid.

The bill would require OCA to develop statewide procedures and to prescribe forms to be used by a court to facilitate the refund of a cash bail bond and the application of a cash bail bond paid by a person other than a defendant to the defendant's outstanding court costs and fees.

Except as otherwise provided by the bill, the bill would take effect December 1, 2021. Certain provisions would take effect September 1, 2021.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

This analysis assumes funding would be needed for development and licensing costs in fiscal year 2022 totaling \$650,000 for the public safety report system. This total includes costs for professional services developing software and costs for licenses for 1,050 magistrates. This analysis also assumes annual costs of \$462,500 each subsequent year would be necessary for continued licensing and support for those magistrates.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022-23 biennium to cover funding necessary to implement the provisions of the bill.

Based on the analysis of the OCA, it is assumed that duties and responsibilities associated with developing the training course and cash bail forms and procedures could be accomplished utilizing existing resources.

Technology

Funding in fiscal year 2022 totaling \$650,000 would be needed for development and licensing costs for the public safety report system with \$462,500 each subsequent year for continued licensing and support for the system.

Local Government Impact

According to the Montgomery County Justice Courts, there may be a fiscal impact to county courts but the extent the impact cannot be determined at this time. The fiscal impact to other counties cannot be determined at this time.

Source Agencies: 212 Office of Court Admin, 300 Trusteed Programs - Gov

LBB Staff: JMc, SLE, MW, BH, CMA, DKN, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 14, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB20 by Murr (Relating to the release of defendants on bail.), Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB20, Committee Report 1st House, Substituted : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$1,112,500) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from Statewide Electronic Filing System 5157
2022	(\$650,000)
2023	(\$462,500)
2024	(\$462,500)
2025	(\$462,500)
2026	(\$462,500)

Fiscal Analysis

This bill would amend the Code of Criminal Procedure to limit the right to bail that currently exists for most arrestees. The bill would provide judges and magistrates with authority to deny bail to a defendant accused of a violent or sexual offense if the magistrate determines by clear and convincing evidence that requiring bail and

conditions of relief is insufficient to reasonably ensure the defendant's appearance in court or the safety of the community or any person.

If a defendant is charged with capital murder or a sexual offense involving a victim younger than 17 years of age, a judge or magistrate could deny bail unless extraordinary circumstances support setting bail and conditions of release. Currently, all persons, except those charged with a capital offense when the proof is evident and certain other circumstances permitted by the Texas Constitution, have the right to bail. The bill would require a judge who denies bail to enter a written order that includes findings of fact and the judge's rationale for the denial.

The bill would require the Office of Court Administration (OCA) to develop a validated pretrial risk assessment tool that is standardized for statewide use, which OCA would have to provide at no cost to counties. The bill would require that OCA adopt or develop a tool that has been proven not to produce disproportionate outcomes with respect to the race or ethnicity of defendants. The bill would require a magistrate setting bail to consider the pretrial risk assessment information for a defendant charged with a Class B misdemeanor or higher category of offense.

The bill would require OCA to make biennial changes or updates to the tool, as needed, to ensure compliance with the provisions of the bill and to post on its website, along with an explanation of the data, a sample result that would occur upon using the tool. Under the bill's provisions, OCA would also be required to collect data regarding the use and efficiency of the tool and submit a biannual report regarding the data and recommended changes to certain legislative officials and the governor.

The bill would require the clerk of a court to send a copy of the magistrate's order imposing a condition of release on bond or modifying or removing a condition previously imposed to the attorney for the state, the chief of police or sheriff of the county where the defendant resides, and if applicable, to the childcare facility or school that the defendant must avoid.

The bill would require OCA to develop a training course, recertification course, and examination regarding a magistrate's duties and duties with respect to setting bail. Magistrates would be required to complete the courses and pass an examination, and OCA would have to provide a method of certifying a magistrate's completion of the courses. The bill would allow magistrates to take training courses required by the bill and approved by OCA at the Texas Justice Court Training Center, the Texas Municipal Courts Education Center, the Texas Association of Counties, the Texas Center for the Judiciary, or other similar entity.

Except as otherwise provided by the bill, the bill would take effect December 1, 2021. Certain provisions would take effect September 1, 2021. Section 2 of the bill would take effect December 1, 2021, only if the constitutional amendment proposed by the Eighty-Seventh Legislature, Regular Session, 2021 identified in the bill is approved by voters.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

This analysis assumes funding would be needed for development and licensing costs in fiscal year 2022 totaling \$650,000 for the risk assessment tool. This total includes costs for professional services developing software and costs for licenses for 1,050 magistrates. This analysis also assumes annual costs of \$462,500 each subsequent year would be necessary for continued licensing and support for those magistrates.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022-23 biennium to cover funding necessary to implement the provisions of the bill.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Based on the analysis of the OCA, it is assumed that duties and responsibilities associated with developing the

training course and examination could be accomplished utilizing existing resources.

Technology

Funding in fiscal year 2022 totaling \$650,000 would be needed for development and licensing costs for the risk assessment tool with \$462,500 each subsequent year for continued licensing and support for the system.

Local Government Impact

OCA assumes that the use of the pretrial risk assessment information and the requirement to impose the least amount and least restrictive conditions of bond necessary will result in fewer detained inmates. OCA assumes that fewer defendants will be denied bail than will be released under the provisions of this bill. While the bill may increase a county's pretrial processing and supervision costs, such costs are anticipated to be offset by reduction in jail costs and bail failure processing costs due to bond forfeitures and new charges. Counties may also see a reduction in the cost of court-appointed attorneys, as defendants who are released are likely to use funds previously used for posting monetary bail to hire counsel, rather than needing appointment of counsel at county expense.

According to the Brazos County Justice of the Peace Precinct 3: The primary fiscal impact to counties in Texas from this bill is the training requirement piece. The bill's provisions relating to a course for non-attorney magistrates could significantly impact county budgets. Depending upon the method of delivery, there could be an expense for the training, for travel, etc. The continuing education requirement will result in a fiscal impact but it should not be significant.

According to the Montgomery County Justice Courts, there may be a fiscal impact to county courts due to increased reporting requirements, but the extent the impact cannot be determined at this time.

Source Agencies: 212 Office of Court Admin, 300 Trusteed Programs - Gov

LBB Staff: JMc, DKN, MW, BH, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 5, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB20 by Murr (Relating to the release of defendants on bail.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB20, As Introduced : an impact of \$0 through the biennium ending August 31, 2023.

The bill would have a negative impact of (\$1,112,500) to General Revenue-Dedicated Statewide Electronic Filing System Account 5157 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from Statewide Electronic Filing System 5157
2022	(\$650,000)
2023	(\$462,500)
2024	(\$462,500)
2025	(\$462,500)
2026	(\$462,500)

Fiscal Analysis

This bill would amend the Code of Criminal Procedure to limit the right to bail that currently exists for most arrestees. The bill would provide judges and magistrates with authority to deny bail to a defendant accused of a violent or sexual offense if the magistrate determines by clear and convincing evidence that requiring bail and conditions of relief is insufficient to reasonably ensure the defendant's appearance in court or the safety of the

community or any person. If a defendant is charged with capital murder or a sexual offense involving a victim younger than 17 years of age, a judge or magistrate would have to deny bail unless extraordinary circumstances support setting bail and conditions of release. Currently, all persons, except those charged with a capital offense when the proof is evident and certain other circumstances permitted by the Texas Constitution, have the right to bail.

The bill would require the Office of Court Administration (OCA) to develop a validated pretrial risk assessment tool that is standardized for statewide use. The bill would set specific requirements for the tool, which OCA would have to provide at no cost to counties. OCA would have to collect data regarding the use and efficiency of the tool and submit a biannual report regarding the data and recommended changes to certain legislative officials and the governor. The bill would require a magistrate setting bail to consider the pretrial risk assessment information for a defendant charged with a Class B misdemeanor or higher category of offense.

The bill would reduce the types of offenses for which an arrestee would be eligible for release on personal bond at the court's discretion. The list includes offenses involving violence (i.e., murder, kidnapping, aggravated robbery, assaults offenses, etc.), sexual misconduct (i.e., indecency with a child, sexual abuse of a child, trafficking of persons, sexual and aggravated sexual assault, etc.), and large amounts of a controlled substance.

The bill would expand the rules for setting the amount of bail to include a requirement that a judge or magistrate consider the results of a defendant's pretrial risk assessment and a defendant's criminal history.

The bill would require the clerk of a court to send a copy of the magistrate's order imposing a condition of release on bond or modifying or removing a condition previously imposed to the attorney for the state, the chief of police or sheriff of the county where the defendant resides, and if applicable, to the childcare facility or school that the defendant must avoid. The chief or sheriff would have to enter information relating to the conditions of release in the statewide database for law enforcement.

The bill would impose certain training, examination, experience, and residential requirements on magistrates who release on bail defendants charged with a Class B misdemeanor or higher category of offense. Under the provisions of the bill, if a magistrate does not satisfy the requirements, including passing an examination administered by OCA, the magistrate would not be able to release these defendants on bail.

The bill would require OCA to develop a training course, recertification course, and examination regarding a magistrate's duties and duties with respect to setting bail. Magistrates would be required to complete the courses and pass an examination, and OCA would have to provide a method of certifying a magistrate's completion of the courses.

Except as otherwise provided by the bill, the bill would take effect December 1, 2021. Certain provisions would take effect September 1, 2021. Section 2 of the bill would take effect December 1, 2021, only if the constitutional amendment proposed by the Eighty-Seventh Legislature, Regular Session, 2021 identified in the bill is approved by voters.

Methodology

Costs reflected in the table above are based on the analysis provided by OCA.

This analysis assumes funding would be needed for development and licensing costs in fiscal year 2022 totaling \$650,000 for the risk assessment tool. This total includes costs for professional services developing software and costs for licenses for 1,050 magistrates. This analysis also assumes annual costs of \$462,500 each subsequent year would be necessary for continued licensing and support for those magistrates.

This project would be eligible for funding from the General Revenue-Dedicated Statewide Electronic Filing Fund No. 5157. Based on information provided in the Comptroller's Biennial Revenue Estimate, this analysis assumes there would be sufficient funding available in the account in the 2022-23 biennium to cover funding necessary to implement the provisions of the bill.

Technology

Funding in fiscal year 2022 totaling \$650,000 would be needed for development and licensing costs for the risk assessment tool with \$462,500 each subsequent year for continued licensing and support for the system.

Local Government Impact

No significant fiscal impact to local government is anticipated.

OCA assumes that the use of the pretrial risk assessment information and the requirement to impose the least amount and least restrictive conditions of bond necessary will result in fewer detained inmates. OCA assumes that fewer defendants will be denied bail than will be released under the provisions of this bill.

While the bill may increase a county's pretrial processing and supervision costs, such costs are anticipated to be offset by reduction in jail costs and bail failure processing costs due to bond forfeitures and new charges.

Counties may also see a reduction in the cost of court-appointed attorneys, as defendants who are released are likely to use funds previously used for posting monetary bail to hire counsel, rather than needing appointment of counsel at county expense.

Source Agencies: 212 Office of Court Admin, 300 Trusteed Programs - Gov

LBB Staff: JMc, DKN, MW, BH

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

May 24, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB20 by Murr (Relating to rules for fixing the amount of bail, to the release of certain defendants on a bail bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.), **As Passed 2nd House**

The provisions of the bill addressed by this analysis would amend various codes as they relate to releasing defendants on bail. Under the provisions of the bill, among other proposed modifications, the eligibility, if voters approve the proposed constitutional amendment, for individuals arrested for certain offenses to be released on bail would be modified.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, LBO, LM, DKN, SPA

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

87TH LEGISLATIVE REGULAR SESSION

April 14, 2021

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB20 by Murr (Relating to the release of defendants on bail.), **Committee Report 1st House, Substituted**

The provisions of the bill addressed by this analysis would amend the Code of Criminal Procedure as it relates to releasing defendants on bail. Under the provisions of the bill, among other proposed modifications, the eligibility, if voters approve the proposed constitutional amendment, for individuals arrested for certain offenses to be released on bail would be modified.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, DKN, LM, SPA