

BILL ANALYSIS

H.B. 1906
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the aftermath of the tragic killing of 7-year-old Athena Strand of Wise County, there were questions surrounding the state's bail practices for an individual who confesses to a crime. Though state law provides for delayed release of individuals who are arrested for committing family violence, there is no provision for certain offenses involving children. The same protections afforded to victims of family violence should be extended to child victims. H.B. 1906 seeks to provide for extended detention periods for individuals who have been arrested for or charged with certain offenses against a child.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1906 amends the Code of Criminal Procedure to make the requirement that a person who has been arrested or held without a warrant be released once bond has been posted inapplicable to a person who has been arrested for an offense resulting in the death of or serious bodily injury to a child if there is probable cause to believe the person will cause harm if immediately released. The bill requires the head of the agency with custody of the person to hold the person for a period specified by the magistrate upon the written authorization of a magistrate who concludes such a person will cause harm if released. The detention period must be:

- not less than 48 hours and not more than 7 days after bond has been posted; or
- not less than 48 hours and not more than 30 days after bond has been posted, if the magistrate determines that the person has confessed or admitted to committing the offense to a law enforcement officer who is investigating the offense.

H.B. 1906 authorizes a magistrate to extend the detention of a person who has been arrested or held without a warrant in the prevention of family violence in a period that exceeds 24 hours but not to exceed 48 hours if the magistrate, in addition to concluding that the violence would continue if the person is released and that probable cause exists to believe that the person committed the instant offense, concludes that there is probable cause to believe the person has been arrested for an offense involving the sexual assault of or resulting in serious bodily injury to a child during the 10-year period preceding the date of the instant offense.

H.B. 1906 defines "child" as a person younger than 18 years of age.

H.B. 1906 applies only to a person arrested or otherwise taken into custody on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.