88R9095 LHC-F

By:  Smith H.B. No. 3400

A BILL TO BE ENTITLED

AN ACT

relating to the release of defendants on bail, the duties of a magistrate in certain criminal proceedings, and the appointment of certain criminal law hearing officers; creating a criminal offense.

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

SECTION 1.  Articles 14.03(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a)  Any peace officer may arrest, without warrant:

(1)  persons found in suspicious places and under circumstances which reasonably show that such persons have been guilty of some felony, violation of Title 9, Chapter 42, Penal Code, breach of the peace, or offense under Section 49.02, Penal Code, or threaten, or are about to commit some offense against the laws;

(2)  persons who the peace officer has probable cause to believe have committed an assault resulting in bodily injury to another person and the peace officer has probable cause to believe that there is danger of further bodily injury to that person;

(3)  persons who the peace officer has probable cause to believe have committed an offense defined by Section 25.07 or 38.112, Penal Code, if the offense is not committed in the presence of the peace officer;

(4)  persons who the peace officer has probable cause to believe have committed an offense involving family violence;

(5)  persons who the peace officer has probable cause to believe have prevented or interfered with an individual's ability to place a telephone call in an emergency, as defined by Section 42.062(d), Penal Code, if the offense is not committed in the presence of the peace officer; or

(6)  a person who makes a statement to the peace officer that would be admissible against the person under Article 38.21 and establishes probable cause to believe that the person has committed a felony.

(b)  A peace officer shall arrest, without a warrant, a person the peace officer has probable cause to believe has committed an offense under Section 25.07 or 38.112, Penal Code, if the offense is committed in the presence of the peace officer.

SECTION 2.  Article 15.17, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h)  If a magistrate determines that no probable cause exists to believe that the person committed the offense for which the person was arrested, the magistrate shall make oral or written findings of fact and conclusions of law on the record to support that finding.

SECTION 3.  Article 17.021, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h)  The office shall, without cost to the county, allow a county to integrate with the public safety report system the jail records management system and case management system used by the county.

SECTION 4.  Article 17.022, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g)  In the manner described by this article, a magistrate may order, prepare, or consider a public safety report in setting bail for a defendant who is not in custody at the time the report is ordered, prepared, or considered.

SECTION 5.  The heading to Article 17.027, Code of Criminal Procedure, is amended to read as follows:

Art. 17.027.  RELEASE ON BAIL OF DEFENDANT CHARGED WITH FELONY OFFENSE [~~COMMITTED WHILE ON BAIL~~].

SECTION 6.  Article 17.027, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsections (a-1), (c), and (d) to read as follows:

(a)  Notwithstanding any other law:

(1)  if a defendant is charged with committing an offense punishable as a felony while released on bail in a pending case for another offense punishable as a felony and the subsequent offense was committed in the same county as the previous offense, the defendant may be released on bail only by:

(A)  the court before whom the case for the previous offense is pending; or

(B)  another court designated in writing by the court described by Paragraph (A); and

(2)  if a defendant is charged with committing an offense punishable as a felony while released on bail for another pending offense punishable as a felony and the subsequent offense was committed in a different county than the previous offense, electronic notice of the charge must be [~~promptly~~] given to the individual designated to receive electronic notices for the county in which the previous offense was committed, not later than the next business day after the date the defendant is charged, for purposes of the court specified by Subdivision (1) [~~for purposes of~~] reevaluating the bail decision, determining whether any bail conditions were violated, or taking any other applicable action.

(a-1)  A criminal law hearing officer appointed under Chapter 54, Government Code, may not release on bail a defendant who:

(1)  is charged with committing an offense punishable as a felony if the defendant:

(A)  was on parole at the time of the offense;

(B)  has previously been finally convicted of two or more offenses punishable as a felony and for which the defendant was imprisoned in the Texas Department of Criminal Justice; or

(C)  is subject to an immigration detainer issued by United States Immigration and Customs Enforcement; or

(2)  is charged with committing an offense under the following provisions of the Penal Code:

(A)  Section 19.02 (murder);

(B)  Section 19.03 (capital murder);

(C)  Section 20.04 (aggravated kidnapping);

(D)  Section 22.02 (aggravated assault); or

(E)  Section 22.021 (aggravated sexual assault).

(c)  Each county shall designate an individual to receive electronic notices under Subsection (a)(2). The county shall ensure that the name and contact information of the individual designated to receive notices under this subsection is provided on all criminal history and warrant documents issued by the county.

(d)  An individual designated under Subsection (c) who receives an electronic notice under Subsection (a) shall promptly provide the notice to the court specified by Subsection (a)(1) and to the attorney representing the state in the pending case for the offense for which the defendant was initially released on bail. A notice provided under this subsection does not constitute an ex parte communication.

SECTION 7.  Article 17.03(b-2), Code of Criminal Procedure, is amended to read as follows:

(b-2)  Except as provided by Articles 15.21, 17.033, and 17.151, a defendant may not be released on personal bond if the defendant:

(1)  is charged with:

(A)  an offense involving violence; or

(B)  an offense under:

(i)  Section 481.1123, Health and Safety Code (manufacture or delivery of substance in Penalty Group 1-B);

(ii)  Section 22.07, Penal Code (terroristic threat);

(iii)  Section 25.07, Penal Code (violation of certain court orders in family violence and certain other cases);

(iv)  Section 38.112, Penal Code (violation of bond condition); or

(v)  Section 46.04(a), Penal Code (unlawful possession of firearm); or

(2)  while released on bail or community supervision for an offense involving violence, is charged with committing:

(A)  any offense punishable as a felony; or

(B)  an offense under the following provisions of the Penal Code:

(i)  Section 22.01(a)(1) (assault);

(ii)  Section 22.05 (deadly conduct); or

(iii)  [~~Section 22.07 (terroristic threat); or~~

[~~(iv)~~]  Section 42.01(a)(7) or (8) (disorderly conduct involving firearm).

SECTION 8.  Article 17.03(b-3)(2), Code of Criminal Procedure, is amended to read as follows:

(2)  "Offense involving violence" means an offense under the following provisions of the Penal Code:

(A)  Section 19.02 (murder);

(B)  Section 19.03 (capital murder);

(C)  Section 20.03 (kidnapping);

(D)  Section 20.04 (aggravated kidnapping);

(E)  Section 20A.02 (trafficking of persons);

(F)  Section 20A.03 (continuous trafficking of persons);

(G)  Section 21.02 (continuous sexual abuse of young child or disabled individual);

(H)  Section 21.11 (indecency with a child);

(I)  Section 22.01(a)(1) (assault), if the offense is:

(i)  punishable as a felony of the second degree under Subsection (b-2) of that section; or

(ii)  punishable as a felony and involved family violence as defined by Section 71.004, Family Code;

(J)  Section 22.011 (sexual assault);

(K)  Section 22.02 (aggravated assault);

(L)  Section 22.021 (aggravated sexual assault);

(M)  Section 22.04 (injury to a child, elderly individual, or disabled individual);

(N)  Section 25.072 (repeated violation of certain court orders [~~or conditions of bond~~] in family violence and certain other cases [~~, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case~~]);

(O)  Section 25.11 (continuous violence against the family);

(P)  Section 29.03 (aggravated robbery);

(Q)  Section 38.14 (taking or attempting to take weapon from peace officer, federal special investigator, employee or official of correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer);

(R)  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);

(S)  Section 43.05 (compelling prostitution); or

(T)  Section 43.25 (sexual performance by a child).

SECTION 9.  Articles 17.152(b), (c), (d), and (f), Code of Criminal Procedure, are amended to read as follows:

(b)  A [~~Except as otherwise provided by Subsection (d), a~~] person who commits an offense under Section 38.112 [~~25.07~~], Penal Code, related to a violation of a condition of bond set in a family violence case and whose bail in the case under Section 38.112 [~~25.07~~], Penal Code, or in the family violence case is revoked or forfeited for a violation of a condition of bond may be taken into custody and, pending trial or other court proceedings, denied release on bail if following a hearing a judge or magistrate determines by a preponderance of the evidence that the person violated a condition of bond related to:

(1)  the safety of the victim of the offense under Section 38.112 [~~25.07~~], Penal Code, or the family violence case, as applicable; or

(2)  the safety of the community.

(c)  Except as otherwise provided by Subsection (d), a person who commits an offense under Section 25.07, Penal Code, or an offense under Section 38.112, Penal Code, other than an offense related to a violation of a condition of bond set in a family violence case, may be taken into custody and, pending trial or other court proceedings, denied release on bail if following a hearing a judge or magistrate determines by a preponderance of the evidence that the person committed the offense.

(d)  A person who commits an offense under Section 25.07(a)(3), Penal Code, may be held without bail under Subsection [~~(b) or~~] (c)[~~, as applicable,~~] only if following a hearing the judge or magistrate determines by a preponderance of the evidence that the person went to or near the place described in the order [~~or condition of bond~~] with the intent to commit or threaten to commit:

(1)  family violence; or

(2)  an act in furtherance of an offense under Section 42.072, Penal Code.

(f)  A person arrested for committing an offense under Section 25.07 or 38.112, Penal Code, shall without unnecessary delay and after reasonable notice is given to the attorney representing the state, but not later than 48 hours after the person is arrested, be taken before a magistrate in accordance with Article 15.17. At that time, the magistrate shall conduct the hearing and make the determination required by this article.

SECTION 10.  Article 17.21, Code of Criminal Procedure, is amended to read as follows:

Art. 17.21.  BAIL IN FELONY. (a) In cases of felony, when the accused is in custody of the sheriff or other officer, and the court before which the prosecution is pending is in session in the county where the accused is in custody, the court shall fix the amount of bail, if it is a bailable case and determine if the accused is eligible for a personal bond; and the sheriff or other peace officer, unless it be the police of a city, or a jailer licensed under Chapter 1701, Occupations Code, is authorized to take a bail bond of the accused in the amount as fixed by the court, to be approved by such officer taking the same, and will thereupon discharge the accused from custody. The defendant and the defendant's sureties are not required to appear in court.

(b)  Notwithstanding Subsection (a), a magistrate may not release on bail a defendant charged with an offense punishable as a felony unless:

(1)  the defendant has appeared before the magistrate; and

(2)  the magistrate has considered the public safety report prepared under Article 17.022 for the defendant.

SECTION 11.  Articles 44.01(a) and (g), Code of Criminal Procedure, are amended to read as follows:

(a)  The state is entitled to appeal an order of a court in a criminal case if the order:

(1)  dismisses an indictment, information, or complaint or any portion of an indictment, information, or complaint;

(2)  arrests or modifies a judgment;

(3)  grants a new trial;

(4)  sustains a claim of former jeopardy;

(5)  grants a motion to suppress evidence, a confession, or an admission, if jeopardy has not attached in the case and if the prosecuting attorney certifies to the trial court that the appeal is not taken for the purpose of delay and that the evidence, confession, or admission is of substantial importance in the case; [~~or~~]

(6)  is issued under Chapter 64; or

(7)  grants bail, in an amount considered insufficient by the attorney representing the state, to a defendant who:

(A)  is charged with an offense punishable as a felony; and

(B)  has previously been granted bail for an offense punishable as a felony.

(g)  If the state appeals pursuant to this article and the defendant is on bail, the defendant [~~he~~] shall be permitted to remain at large on the existing bail. If the defendant is in custody, the defendant [~~he~~] is entitled to reasonable bail, as provided by law, unless the appeal is from an order which would:

(1)  terminate the prosecution, in which event the defendant is entitled to release on personal bond; or

(2)  grant bail in an amount considered insufficient by the attorney representing the state, in which event the defendant shall be held in custody during the pendency of the appeal.

SECTION 12.  Section 25.0172(c-1), Government Code, is amended to read as follows:

(c-1)  The County Courts at Law Nos. 7 and 13 of Bexar County, Texas, shall give preference to cases prosecuted under:

(1)  Section 22.01, Penal Code, in which the victim is a person whose relationship to or association with the defendant is described by Chapter 71, Family Code; [~~and~~]

(2)  Section 25.07 or 25.072, Penal Code; and

(3)  Section 38.112, Penal Code, if the person violated a condition of bond set in a case involving family violence, as defined by Section 71.004, Family Code, or involving an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code.

SECTION 13.  Section 25.0732(z), Government Code, is amended to read as follows:

(z)  The County Criminal Courts No. 1, No. 2, No. 3, and No. 4 have the criminal jurisdiction provided by this section and other law for statutory county courts in El Paso County and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county as provided by Article 45.042, Code of Criminal Procedure. The County Criminal Court No. 4 shall give preference to cases prosecuted under:

(1)  Section 22.01, Penal Code, in which the victim is a person whose relationship to or association with the defendant is described under Chapter 71, Family Code; [~~and~~]

(2)  Section 25.07, Penal Code; and

(3)  Section 38.112, Penal Code, if the person violated a condition of bond set in a case involving family violence, as defined by Section 71.004, Family Code, or involving an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code.

SECTION 14.  Section 25.2223(l), Government Code, is amended to read as follows:

(l)  The County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County shall give preference to cases brought under:

(1)  Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code;

(2)  [~~, and cases brought under~~] Sections 25.07, 25.072, and 42.072, Penal Code; and

(3)  Section 38.112, Penal Code, if the person violated a condition of bond set in a case involving family violence, as defined by Section 71.004, Family Code, or involving an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, or 42.072, Penal Code.

SECTION 15.  Section 54.852, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (b-1) to read as follows:

(a)  A board composed of three judges of the district courts of Harris County trying criminal cases, three judges of the county criminal courts at law, and three justices of the peace in Harris County may appoint criminal law hearing officers[~~, with the consent and approval of the commissioners court,~~] to perform the duties authorized by this subchapter if:

(1)  the presiding judge of the administrative judicial region that includes Harris County approves the appointment; and

(2)  the county auditor certifies that the expenses incurred by the appointment will not exceed the applicable budget appropriation.

(a-1)  A quorum is two-thirds of the members of the board.

(b)  The board shall ensure that the criminal law hearing officers appointed under this subchapter are:

(1)  representative of the race, sex, national origin, and ethnicity of the population of Harris County; and

(2)  certified in criminal law by the Texas Board of Legal Specialization.

(b-1)  The board is subject to Chapter 551, Government Code.

(c)  A criminal law hearing officer serves a one-year term and may be reappointed at the end of a term [~~continues to serve until a successor is appointed~~].

SECTION 16.  Section 72.038, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  A person who releases a defendant on bail under the authority of a standing order related to bail shall complete the form required under this section.

SECTION 17.  Section 411.074(b), Government Code, is amended to read as follows:

(b)  A person may not be granted an order of nondisclosure of criminal history record information under this subchapter and is not entitled to petition the court for an order of nondisclosure under this subchapter if:

(1)  the person requests the order of nondisclosure for, or the person has been previously convicted of or placed on deferred adjudication community supervision for:

(A)  an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(B)  an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;

(C)  an offense under Section 19.02, 19.03, 20A.02, 20A.03, 22.04, 22.041, 25.07, 25.072, 38.112, or 42.072, Penal Code; or

(D)  any other offense involving family violence, as defined by Section 71.004, Family Code; or

(2)  the court makes an affirmative finding that the offense for which the order of nondisclosure is requested involved family violence, as defined by Section 71.004, Family Code.

SECTION 18.  Section 411.1711, Government Code, is amended to read as follows:

Sec. 411.1711.  CERTAIN EXEMPTIONS FROM CONVICTIONS. A person is not convicted, as that term is defined by Section 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license under this subchapter unless the order of deferred adjudication was entered against the person for:

(1)  a felony offense under:

(A)  Title 5, Penal Code;

(B)  Chapter 29, Penal Code;

(C)  Section 25.07, [~~or~~] 25.072, or 38.112, Penal Code; or

(D)  Section 30.02, Penal Code, if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(2)  an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense listed in Subdivision (1).

SECTION 19.  Section 164.057(a), Occupations Code, is amended to read as follows:

(a)  The board shall suspend a physician's license on proof that the physician has been:

(1)  initially convicted of:

(A)  a felony;

(B)  a misdemeanor under Chapter 22, Penal Code, other than a misdemeanor punishable by fine only;

(C)  a misdemeanor on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(D)  a misdemeanor under Section 25.07, Penal Code; [~~or~~]

(E)  a misdemeanor under Section 25.071, Penal Code; or

(F)  a misdemeanor under Section 38.112, Penal Code; or

(2)  subject to an initial finding by the trier of fact of guilt of a felony under:

(A)  Chapter 481 or 483, Health and Safety Code;

(B)  Section 485.033, Health and Safety Code; or

(C)  the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

SECTION 20.  Section 201.5065(a), Occupations Code, is amended to read as follows:

(a)  The board shall suspend a chiropractor's license on proof that the chiropractor has been:

(1)  initially convicted of:

(A)  a felony;

(B)  a misdemeanor under Chapter 22, Penal Code, other than a misdemeanor punishable by fine only;

(C)  a misdemeanor on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(D)  a misdemeanor under Section 25.07, Penal Code; [~~or~~]

(E)  a misdemeanor under Section 25.071, Penal Code; or

(F)  a misdemeanor under Section 38.112, Penal Code; or

(2)  subject to an initial finding by the trier of fact of guilt of a felony under:

(A)  Chapter 481 or 483, Health and Safety Code;

(B)  Section 485.033, Health and Safety Code; or

(C)  the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

SECTION 21.  Section 263.006(a), Occupations Code, is amended to read as follows:

(a)  The board shall suspend a license holder's license issued under this subtitle on proof that the person has been:

(1)  initially convicted of:

(A)  a felony;

(B)  a misdemeanor under Chapter 22, Penal Code, other than a misdemeanor punishable by fine only;

(C)  a misdemeanor on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(D)  a misdemeanor under Section 25.07, Penal Code; [~~or~~]

(E)  a misdemeanor under Section 25.071, Penal Code; or

(F)  a misdemeanor under Section 38.112, Penal Code; or

(2)  subject to an initial finding by the trier of fact of guilt of a felony under:

(A)  Chapter 481 or 483, Health and Safety Code;

(B)  Section 485.033, Health and Safety Code; or

(C)  the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

SECTION 22.  Section 301.4535(a), Occupations Code, is amended to read as follows:

(a)  The board shall suspend a nurse's license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of:

(1)  murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or manslaughter under Section 19.04, Penal Code;

(2)  kidnapping or unlawful restraint under Chapter 20, Penal Code, and the offense was punished as a felony or state jail felony;

(3)  sexual assault under Section 22.011, Penal Code;

(4)  aggravated sexual assault under Section 22.021, Penal Code;

(5)  continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, or indecency with a child under Section 21.11, Penal Code;

(6)  aggravated assault under Section 22.02, Penal Code;

(7)  intentionally, knowingly, or recklessly injuring a child, elderly individual, or disabled individual under Section 22.04, Penal Code;

(8)  intentionally, knowingly, or recklessly abandoning or endangering a child under Section 22.041, Penal Code;

(9)  aiding suicide under Section 22.08, Penal Code, and the offense was punished as a state jail felony;

(10)  an offense involving a violation of certain court orders or conditions of bond under Section 25.07, 25.071, [~~or~~] 25.072, or 38.112, Penal Code, punished as a felony;

(11)  an agreement to abduct a child from custody under Section 25.031, Penal Code;

(12)  the sale or purchase of a child under Section 25.08, Penal Code;

(13)  robbery under Section 29.02, Penal Code;

(14)  aggravated robbery under Section 29.03, Penal Code;

(15)  an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(16)  an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense listed in this subsection.

SECTION 23.  The heading to Section 25.07, Penal Code, is amended to read as follows:

Sec. 25.07.  VIOLATION OF CERTAIN COURT ORDERS [~~OR CONDITIONS OF BOND~~] IN [~~A~~] FAMILY VIOLENCE AND CERTAIN OTHER CASES [~~, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE~~].

SECTION 24.  Sections 25.07(a) and (g), Penal Code, are amended to read as follows:

(a)  A person commits an offense if, in violation of [~~a condition of bond set in a family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case and related to the safety of a victim or the safety of the community,~~] an order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, an order issued under Article 17.292, Code of Criminal Procedure, an order issued under Section 6.504, Family Code, Chapter 83, Family Code, if the temporary ex parte order has been served on the person, Chapter 85, Family Code, or Subchapter F, Chapter 261, Family Code, or an order issued by another jurisdiction as provided by Chapter 88, Family Code, the person knowingly or intentionally:

(1)  commits family violence or an act in furtherance of an offense under Section 20A.02, 22.011, 22.012, 22.021, or 42.072;

(2)  communicates:

(A)  directly with a protected individual or a member of the family or household in a threatening or harassing manner;

(B)  a threat through any person to a protected individual or a member of the family or household; or

(C)  in any manner with the protected individual or a member of the family or household except through the person's attorney or a person appointed by the court, if the applicable [~~violation is of an order described by this subsection and the~~] order prohibits any communication with a protected individual or a member of the family or household;

(3)  goes to or near any of the following places as specifically described in the order [~~or condition of bond~~]:

(A)  the residence or place of employment or business of a protected individual or a member of the family or household; or

(B)  any child care facility, residence, or school where a child protected by the order [~~or condition of bond~~] normally resides or attends;

(4)  possesses a firearm;

(5)  harms, threatens, or interferes with the care, custody, or control of a pet, companion animal, or assistance animal that is possessed by a person protected by the order [~~or condition of bond~~]; or

(6)  removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.

(g)  An offense under this section is a Class A misdemeanor, except the offense is:

(1)  subject to Subdivision (2), a state jail felony if it is shown at the trial of the offense that the defendant violated an order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, following the defendant's conviction of or placement on deferred adjudication community supervision for an offense, if the order was issued with respect to a victim of that offense; or

(2)  a felony of the third degree if it is shown on the trial of the offense that the defendant:

(A)  has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072, or has previously been convicted of an offense under this section and an offense under Section 25.072; or

(B)  has violated the order [~~or condition of bond~~] by committing an assault or the offense of stalking.

SECTION 25.  The heading to Section 25.072, Penal Code, is amended to read as follows:

Sec. 25.072.  REPEATED VIOLATION OF CERTAIN COURT ORDERS [~~OR CONDITIONS OF BOND~~] IN FAMILY VIOLENCE AND CERTAIN OTHER CASES [~~, CHILD ABUSE OR NEGLECT, SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING CASE~~].

SECTION 26.  Section 25.072(d), Penal Code, is amended to read as follows:

(d)  A defendant may not be charged with more than one count under Subsection (a) if all of the specific conduct that is alleged to have been engaged in is alleged to have been committed in violation of a single court order [~~or single setting of bond~~].

SECTION 27.  Chapter 38, Penal Code, is amended by adding Section 38.112 to read as follows:

Sec. 38.112.  VIOLATION OF BOND CONDITION. (a) A person commits an offense if the person knowingly violates a condition of bond.

(b)  Except as provided by Subsection (c), an offense under this section is:

(1)  if the person is released on bond for a misdemeanor offense, a Class A misdemeanor; or

(2)  if the person is released on bond for a felony offense, a felony of the same category as the offense for which the person is released on bond.

(c)  If it is shown at the trial of the offense that the person violated the condition of bond by possessing a firearm, an offense under this section is:

(1)  a state jail felony if the person is released on bond for a misdemeanor offense; or

(2)  a felony of the second degree if the person is released on bond for a state jail felony or a felony of the third degree.

SECTION 28.  Sections 25.07(b)(4), (5), (7), and (8), Penal Code, are repealed.

SECTION 29.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 30.  This Act takes effect September 1, 2023.