88R3574 CJD-F

By:  Kitzman H.B. No. 4398

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of a personal bond or personal bond and pretrial supervision office.

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

SECTION 1.  The heading to Article 17.42, Code of Criminal Procedure, is amended to read as follows:

Art. 17.42.  PERSONAL BOND OR PERSONAL BOND AND PRETRIAL SUPERVISION OFFICE.

SECTION 2.  Section 1, Article 17.42, Code of Criminal Procedure, is amended to read as follows:

Sec. 1.  Any county, or any judicial district with jurisdiction in more than one county, with the approval of the commissioners court of each county in the district, may establish a personal bond or personal bond and pretrial supervision office to gather and review information about an accused that may have a bearing on whether the accused [~~he~~] will comply with the conditions of a personal bond and report its findings to the court before which the case is pending.

SECTION 3.  Sections 4(a) and (b), Article 17.42, Code of Criminal Procedure, are amended to read as follows:

(a)  Except as otherwise provided by this subsection, if a court releases an accused on personal bond on the recommendation of a personal bond or personal bond and pretrial supervision office, the court shall assess a personal bond reimbursement fee of $20 or three percent of the amount of the bail fixed for the accused, whichever is greater.  The court may waive the fee or assess a lesser fee if good cause is shown.  A court that requires a defendant to give a personal bond under Article 45.016 may not assess a personal bond reimbursement fee under this subsection.

(b)  Reimbursement fees collected under this article may be used solely to defray expenses of the personal bond or personal bond and pretrial supervision office, including defraying the expenses of extradition.

SECTION 4.  Sections 5(a) and (c), Article 17.42, Code of Criminal Procedure, are amended to read as follows:

(a)  A personal bond or personal bond and pretrial supervision [~~pretrial release~~] office established under this article shall:

(1)  prepare a record containing information about any accused person identified by case number only who, after review by the office, is released by a court on personal bond before sentencing in a pending case;

(2)  update the record on a monthly basis; and

(3)  file a copy of the record with the district or county clerk, as applicable based on court jurisdiction over the categories of offenses addressed in the records, in any county served by the office.

(c)  This section does not apply to a personal bond or personal bond and pretrial supervision [~~pretrial release~~] office that on January 1, 1995, was operated by a community corrections and supervision department.

SECTION 5.  Sections 6(a) and (c), Article 17.42, Code of Criminal Procedure, are amended to read as follows:

(a)  Not later than April 1 of each year, a personal bond or personal bond and pretrial supervision office established under this article shall submit to the commissioners court or district and county judges that established the office an annual report containing information about the operations of the office during the preceding year.

(c)  This section does not apply to a personal bond or personal bond and pretrial supervision [~~pretrial release~~] office that on January 1, 1995, was operated by a community corrections and supervision department.

SECTION 6.  Article 17.42, Code of Criminal Procedure, is amended by adding Sections 7 and 8 to read as follows:

Sec. 7.  (a)  The commissioners court of a county that establishes a personal bond and pretrial supervision office or the district and county judges of a judicial district that establishes a personal bond and pretrial supervision office may direct the office to provide the pretrial services a community supervision and corrections department may provide under Section 76.011, Government Code.

(b)  Except as otherwise provided by this subsection, programs operated by the office under Subsection (a) may include reasonable conditions and monitoring related to the purpose of the programs, including testing for controlled substances and alcohol use. If this subsection conflicts with a more specific provision of another law, the other law prevails.

(c)  This section does not apply to a personal bond and pretrial supervision office that on January 1, 1995, was operated by a community corrections and supervision department.

Sec. 8.  (a)  The commissioners court of a county that establishes a personal bond and pretrial supervision office or the district and county judges of a judicial district that establishes a personal bond and pretrial supervision office may, as part of the court's or the judges' duties related to pretrial services, direct the office to provide:

(1)  indigent legal services monitoring, including:

(A)  assisting defendants in filing applications for indigent legal services;

(B)  reviewing applications and documentation to assist the court in determining eligibility for indigent legal services; and

(C)  coordinating with appointed attorneys to ensure sufficient legal services are provided;

(2)  pretrial rehabilitative services, including:

(A)  determining what rehabilitative services are available to a defendant;

(B)  making recommendations to this state, to defense counsel, and to the court on rehabilitative services; and

(C)  monitoring the placement of defendants in rehabilitative services;

(3)  coordination of mental health services, including:

(A)  recommending mental health testing;

(B)  assisting defense counsel in meeting mental health testing requirements;

(C)  monitoring compliance with mental health testing dates; and

(D)  assisting magistrates with mental health orders and testing; and

(4)  other services as are required to fulfill the goals of pretrial bond supervision.

(b)  This section does not apply to a personal bond and pretrial supervision office that on January 1, 1995, was operated by a community corrections and supervision department.

SECTION 7.  Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14105 to read as follows:

Sec. 411.14105.  ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PERSONAL BOND OR PERSONAL BOND AND PRETRIAL SUPERVISION OFFICE. (a) In this section, "personal bond or personal bond and pretrial supervision office" means an office established under Article 17.42, Code of Criminal Procedure.

(b)  The director of a personal bond or personal bond and pretrial supervision office, or an employee of the office authorized by the director, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is being considered for personal bond or is receiving services from the office.

(c)  A person who obtains criminal history record information under Subsection (b) may not release the information to any person except to a judge or magistrate making a bond determination, if the criminal history is relevant to that determination.

(d)  Notwithstanding Subsection (c), a person who obtains criminal history record information under Subsection (b) may disclose to the subject of the information, the attorney representing the state, or the subject's defense attorney:

(1)  the date and place of any arrest in the subject's criminal history and the offense for which the subject was arrested; and

(2)  the associated dispositions.

(e)  The department may not charge a fee for providing criminal history record information under this section.

SECTION 8.  This Act takes effect September 1, 2023.