88R6779 MCF-F

By:  West S.B. No. 1535

A BILL TO BE ENTITLED

AN ACT

relating to the review and modification of bail for certain defendants.

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

SECTION 1.  Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.029 to read as follows:

Art. 17.029.  BAIL MODIFICATION FOR CERTAIN DEFENDANTS. (a) This article applies only with respect to a defendant:

(1)  who, in a county with a population of one million or more, is charged with an offense punishable as a Class B misdemeanor or any higher category of offense;

(2)  for whom a bail decision under Article 17.028:

(A)  is made by a mayor, recorder, or judge of a municipal court; and

(B)  denies the defendant's release on bail or sets an amount of monetary bail for the defendant; and

(3)  who, following the bail decision, is transferred from a municipal jail to a county jail in the county described by Subdivision (1).

(b)  Not later than 48 hours after a defendant described by Subsection (a) is transferred to the county jail, a judge of a court in that county with jurisdiction over the category of offense charged, or any magistrate designated in writing by that judge, other than a mayor, recorder, or judge of a municipal court, may review and modify the bail decision for the defendant.

(c)  In modifying a bail decision under Subsection (b), the judge shall conduct the individualized consideration required by Article 17.028(a).

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

SECTION 3.  This Act takes effect September 1, 2023.