

By: Landgraf

H.B. No. 3035

A BILL TO BE ENTITLED

AN ACT

relating to the release on bail of a defendant charged with stalking or an offense involving family violence.

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

SECTION 1. Articles 17.03(a) and (b-2), Code of Criminal Procedure, are amended to read as follows:

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

(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;

(B) an offense under Section 42.072, Penal Code;

or

(C) an offense involving family violence, as defined by Section 71.004, Family Code; 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:

- 1 (i) Section 22.01(a)(1) (assault);
- 2 (ii) Section 22.05 (deadly conduct);
- 3 (iii) Section 22.07 (terroristic threat);
- 4 or
- 5 (iv) Section 42.01(a)(7) or (8) (disorderly
- 6 conduct involving firearm).

7 SECTION 2. Chapter 17, Code of Criminal Procedure, is
8 amended by adding Article 17.1501 to read as follows:

9 Art. 17.1501. MINIMUM AMOUNT OF BAIL FOR DEFENDANT CHARGED
10 WITH STALKING OR OFFENSE INVOLVING FAMILY VIOLENCE. (a) In this
11 article:

12 (1) "Family violence" has the meaning assigned by
13 Section 71.004, Family Code.

14 (2) "Stalking" means an offense under:
15 (A) Section 42.072, Penal Code; or
16 (B) a law listed in Section 42.072(b), Penal
17 Code, that contains elements that are substantially similar to the
18 elements of an offense under Section 42.072 of that code.

19 (b) The minimum amount of bail required for a defendant
20 charged with an offense under Section 42.072, Penal Code, or an
21 offense involving family violence is:

22 (1) \$20,000, except as provided by Subdivisions (2)
23 and (3);

24 (2) \$50,000, if the defendant has previously been
25 convicted one time of stalking or an offense involving family
26 violence; or

27 (3) \$100,000, if the defendant has previously been

1 convicted two or more times of stalking or an offense involving
2 family violence.

3 SECTION 3. The change in law made by this Act applies only
4 to a person who is arrested on or after December 1, 2023. A person
5 arrested before December 1, 2023, is governed by the law in effect
6 on the date the person was arrested, and the former law is continued
7 in effect for that purpose.

8 SECTION 4. This Act takes effect December 1, 2023, but only
9 if the constitutional amendment proposed by the 88th Legislature,
10 Regular Session, 2023, authorizing the legislature to set a minimum
11 amount of monetary bond for persons charged with stalking or an
12 offense involving family violence is approved by the voters. If
13 that amendment is not approved by the voters, this Act has no
14 effect.