

By: Parker

S.B. No. 1010

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring the denial of bail to a person accused of
3 committing certain trafficking or sexual offenses against a child
4 while released on bail for committing a similar offense.

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

6 SECTION 1. Chapter 17, Code of Criminal Procedure, is
7 amended by adding Article 17.154 to read as follows:

8 Art. 17.154. DENIAL OF BAIL FOR COMMISSION OF TRAFFICKING
9 OR SEXUAL OFFENSE AGAINST A CHILD WHILE ON BAIL FOR COMMITTING
10 SIMILAR OFFENSE. (a) This article applies to a defendant charged
11 with an offense under any of the following provisions of the Penal
12 Code:

13 (1) Section 20.04(a)(4), if committed against a child
14 younger than 17 years of age and the actor committed the offense
15 with the intent to violate or abuse the victim sexually;

16 (2) Section 20A.02(a)(5), (6), (7), or (8);

17 (3) Section 20A.03, if based partly or wholly on
18 conduct that constitutes an offense described by Subdivision (2);

19 (4) Section 21.02, involving a victim described by
20 Subsection (b)(2)(A) of that section;

21 (5) Section 21.11(a)(1), if the actor committed the
22 offense in a manner other than by touching, including touching
23 through clothing, the breast of a child;

24 (6) Section 22.011(a)(2);

1 (7) Section 22.021, if the actor committed the offense
2 in a manner described by Subsection (a)(1)(B) of that section;

3 (8) Section 30.02, if the offense is punishable under
4 Subsection (d) of that section and the actor committed the offense
5 with the intent to commit an offense described by Subdivision (1),
6 (5), (6), or (7);

7 (9) Section 43.05(a)(2); or

8 (10) Section 43.25.

9 (b) A defendant who is accused of committing an offense
10 described by Subsection (a) while released on bail pending trial
11 for another offense described by Subsection (a), shall be denied
12 bail pending trial if a judge or magistrate, after a hearing,
13 determines by a preponderance of the evidence that the person
14 committed the offense while on bail.

15 (c) A judge or magistrate who grants bail to a defendant
16 charged with an offense described by Subsection (a) shall admonish
17 the defendant that, if the defendant commits another offense
18 described by Subsection (a) while on bail, the defendant shall be
19 denied bail pending trial if a judge or magistrate, following a
20 hearing, determines by a preponderance of the evidence that the
21 person committed the offense while on bail.

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

27 SECTION 3. This Act takes effect December 1, 2023, but only

1 if the constitutional amendment proposed by the 88th Legislature,
2 Regular Session, 2023, authorizing the legislature to enact laws
3 providing for the denial of bail to a person accused of committing a
4 trafficking or sexual offense against a child while released on
5 bail for committing a similar offense is approved by the voters. If
6 that amendment is not approved by the voters, this Act has no
7 effect.