

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

1 review and modify the bail decision for the defendant.

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

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

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