

BILL ANALYSIS

S.B. 1020
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that electronic monitoring devices are integral tools utilized to increase public safety and promote accountability upon the release of defendants on house arrest or as a condition of community supervision, parole, mandatory supervision, or release on bail. Current law contains record-keeping requirements for personal bond offices, but these offices are not expressly required to record failure to comply with electronic monitoring requirements. S.B. 1020 seeks to require more detailed record-keeping by personal bond offices by including failure to comply with conditions of release by tampering with an electronic monitoring device among the information to be reported. The bill also establishes requirement for prompt notification of electronic monitoring device violations to applicable judicial entities and makes certain other changes relating to electronic monitoring.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1020 amends the Code of Criminal Procedure to expand the actions that a personal bond office must take, specifically with respect to the records it is currently required to prepare 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, to include submitting a copy of such a record to the state's attorney and the accused person's attorney and, as applicable based on whether the accused person violated a condition of release on bond in the preceding month, an update to that record. With respect to the requirement for the office to include in the record a statement of whether the person has failed to comply with conditions of release on personal bond, the bill specifies that such a failure includes failing to comply by tampering with an electronic monitoring device.

S.B. 1020 sets out the following requirements regarding notification of an electronic monitoring device violation:

- requirements for a personal bond office or the agency designated by the magistrate to supervise a defendant's release on bond, other than personal bond, to notify the court or magistrate having jurisdiction over the case immediately after the office or agency determines there is reasonable cause to believe that a defendant supervised by the office or the defendant supervised by the agency, as applicable, has violated a condition of release on bond related to an electronic monitoring device, including a global positioning

monitoring system as defined by statutory provisions relating to conditions for defendants charged with offenses involving family violence; and

- a requirement for a supervision officer, immediately after determining that there is reasonable cause to believe that a defendant supervised by the officer has violated a condition of community supervision related to an electronic monitoring device, including such a global positioning monitoring system, to notify the judge of that violation.

These requirements apply only to a violation of a condition of release on bond or a violation of a condition of community supervision, as applicable, that occurs on or after the bill's effective date. A violation that occurs before the bill's effective date is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

S.B. 1020 amends the Government Code to revise the definition of "judicial work product" as it applies to statutory provisions governing the confidentiality of such products by specifying that the term does not include information related to a person who is required to submit to electronic monitoring of a person's location as part of an electronic monitoring program under Code of Criminal Procedure provisions regarding judgement and sentences or as a condition of community supervision, parole, mandatory supervision, or release on bail.

S.B. 1020 authorizes a community supervision and corrections department to release data or information, including electronic monitoring data, reporting dates, contact information, family and collateral contacts, and addresses, related to the location of a person who is supervised by the department to law enforcement or the office of the state's attorney for the purpose of locating the person or serving a warrant.

EFFECTIVE DATE

September 1, 2025.